

**Minutes
Notice of Regular Meeting
Oneida County Board of Supervisors
Tuesday, January 16, 2018 – 9:30 a.m.
County Board Meeting Room - 2nd Floor Oneida County Courthouse**

CALL TO ORDER.

Chairman Hintz called the meeting to order at 9:33 a.m. in the County Board Meeting Room of the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas followed by the Pledge of Allegiance.

Members Present: Supervisors: Robb Jensen, Jim Winkler, Greg Pence, Bob Mott, Scott Holewinski, Carol Pederson, Bill Freudenberg, Greg Oettinger, Alan VanRaalte, Lance Krolczyk, Alex Young, Tom Kelly, Jack Sorensen, Sonny Paszak, Dave Hintz, Lisa Zunker, Billy Fried, and Bob Metropulos.

Members Present: 18

Members Excused: Mike Timmons, Mitchell Ives and Ted Cushing.

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Sign Attendance Form at the Podium.
- Please Use a Microphone When Speaking.

ACCEPT THE MINUTES OF THE DECEMBER 19, 2017 MEETING.

Motion/Second: Jensen/Sorensen to accept the minutes of the December 19, 2017 meeting. All "Aye" for approval on minutes, motion carried.

REPORTS/PRESENTATIONS:

- Oneida County Fair Report by Jim Winkler. Winkler introduced the new officers for the Oneida County Fair.
- 2017 Safety Report/Update from Lisa Charbarneau. Charbarneau discussed that Workers Compensation claims for 2017 were at zero lost time from work due to work related injuries for Oneida County. She went over changes that have been implemented to promote safety in the workplace.

PUBLIC COMMENT: Bob Martini of the Oneida County Lakes and Rivers Association recommended options to protect lakes in Oneida County. Joyce Moger from Sugar Camp supports D2 zoning on Sugar Camp and Indian Lake. Tom Rudolph discussed past resolutions meant to improve enforcement of land and water protection. Jane Banning from Crescent requested lake protection. Dave Hart from Schoepke discussed the need to keep and improve our natural resources. Karl Fate from Crescent spoke in opposition of the proposed Zoning Resolution. Mary Andrews from Sugar Camp spoke regarding Indian Lake. Tom Jerow from Rhinelander spoke. Danny Van Ooyen from Sugar Camp was in support of lakes remaining single family residential zoning. Laurie Asplund from Sugar Camp spoke requesting zoning to remain D2. Dennis Gill from Sugar Camp requested zoning not to change. Dave Noel from Sugar Camp requested all of the comments and documents from the past two Planning and Development meetings in support of D2 zoning be taken into consideration for this meeting. Scott Eshelman from Newbold requested a "No" vote to the Zoning Resolution.

CONSENT AGENDA:

Resolution # 1-2018: Offered by the Supervisors of the Land Records Committee approving the conveyance of part of CA 565-3 to Donna DeMet Revocable Trust and George DeMet and part of CA 565-3 to the Town of Cassian.

WHEREAS, Oneida County retained a 100 foot strip of land on each side of the center line of existing roads crossing the SW ¼ - NE 1/4, Section 3, Township 37 North, Range 7 East, as recorded in Volume 42 of Deeds, Page 560, Document Number 101208, together with timber rights on said lands, recorded in Register of Deeds on November 4th, 1937; and,

WHEREAS, a request has been made to Oneida County from the adjoining landowner listed in Exhibit A below requesting that a portion of said strip of land described above adjacent to Fawn Lake Rd and Horsehead Lake RD be conveyed to them as they are the present adjoining owner of the land, and they have paid the \$100.00 administrative fee to process this request; and,

WHEREAS, the Town of Cassian has been notified of this request and the Land Records Committee recommends that the parcel described in Exhibit A be conveyed to the adjoining landowner, and that the 66' right-of-way of Fawn Lake Rd and Horsehead Lake RD described below be conveyed to the Town of Cassian for the \$30 cost of recording a deed, provided the Town does not have any objection to said conveyances.

NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approves conveying the parcel described in Exhibit A below to the adjoining landowner as listed in Exhibit A, and that 66' of right-of-way for Fawn Lake Rd and Horsehead Lake RD be conveyed to the Town of Cassian, provided that the Town of Cassian has no objection to such conveyances, and the Board authorizes the County Clerk, upon receipt of the \$30 deed recording fees, to issue a quit claim deed conveying any interest the County has in the descriptions described in Exhibit A.

Approved by the Land Records Committee this 9th, day of January 2018.

Offered and passage moved by: Sonny Paszak, Greg Oettinger, Greg Pence, Mike Timmons, Lisa Zunker.

Resolution # 2-2018: Offered by the Supervisors of the Land Records Committee approving the conveyance of part of CA 339-4 to John Meyer.

WHEREAS, Oneida County retained a 100 foot strip of land on each side of the center line of existing roads crossing the NW ¼ - NE ¼, Section 23, Township 37 North, Range 6 East, as recorded in Volume 42 of Deeds, Page 472, Document Number 99324, together with timber rights on said lands, recorded in Register of Deeds on January 14th, 1937; and,

WHEREAS, a request has been made to Oneida County from the adjoining landowner listed in Exhibit A below requesting that a portion of said strip of land described above adjacent to Currie Lake RD be conveyed to them as they are the present adjoining owner of the land, and they have paid the \$100.00 administrative fee to process this request; and,

WHEREAS, the Town of Cassian has been notified of this request and the Land Records Committee recommends that the parcel described in Exhibit A be conveyed to the adjoining landowner, provided the Town of Cassian does not have any objection to said conveyance.

NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approves conveying the parcel described in Exhibit A below to the adjoining landowner as listed in Exhibit A, provided that the Town of Cassian has no objection to such conveyance, and the Board authorizes the County Clerk, upon receipt of the \$30 deed recording fees, to issue a quit claim deed conveying any interest the County has in the description described in Exhibit A.

Approved by the Land Records Committee this 9th, day of January 2018.

Offered and passage moved by: Sonny Paszak, Lisa Zunker, Mike Timmons, Greg Pence, Greg Oettinger.

Resolution # 3-2018: Offered by the Supervisors of the Land Records Committee approving the sale of EN 773 to Patrick and Karen Bougie, PE 90-21 to Matthew Wocelka, PI 59-14 & PI 59-15 to John and Mary Theisen, PL 843 to Joshua Cleasby and RH 334 to Joseph and Natalie Polinski.

WHEREAS, the tax foreclosed parcels identified in Exhibit A listed below have been offered for public sale pursuant to the procedures in Chapter 18 of the General Code of Oneida County, WI; and,

WHEREAS, the Land Records Committee has determined it would be in the best interest of Oneida County to convey the parcels by quit claim deed to the successful bidders listed in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Oneida County hereby approve the sale of the parcels listed in Exhibit A below to the successful bidders listed with any condition or terms listed in Exhibit A; and,

BE IT FURTHER RESOLVED, that upon receipt of the bid amount and recording fee from the successful bidders listed in Exhibit A, the County Clerk is authorized to sign and place the county seal upon a quit claim deed for the parcels listed in Exhibit A; and,

BE IT FURTHER RESOLVED, that the County Treasurer is authorized and instructed to assign to the successful bidder, at the time of issuance of the quit claim deed, all county certificates on the property sold.

Approved by the Land Records Committee this 9th day of January, 2018.

Offered and passage moved by: Sonny Paszak, Greg Oettinger, Greg Pence, Mike Timmons, Lisa Zunker.

Resolution # 4-2018/Rezone Petition # 14-2017: Offered by the Supervisors of the Planning and Development Committee amending the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, by changing the zoning district classification from District # 1A-Forestry to District # 07-Business B-2 on part of Lots 4, 5, 6, 7 and 8, Block 12, Village of Three Lakes.

WHEREAS, and having considered Rezone Petition #14-2017, (copy attached) which was filed December 14, 2017, to amend the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, and having given notice thereof as provided by law and having held a public hearing thereon January 3, 2018 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

To rezone land from District #1A-Forestry to District #07-Business B-2 on property described as all that part of Lots 4, 5, 6, 7, and 8, Block 12, Village of Three Lakes, located in NW NW, Section 7, T38N, R11E, Town of Three Lakes.

And being duly advised of the wishes of the people in the area affected as follows:

WHEREAS, it was discovered by the town that their property is zoned District #1A-Forestry and all surrounding property is zoned District #07-Business B2 and;

WHEREAS, the Town of Three Lakes will be building a new town hall and police department as well as remodeling and adding to the Demmer Library building in 2018 and would benefit from a reduced setback in order to achieve the most square footage to accommodate their building needs and;

WHEREAS, the Town of Three Lakes would benefit from a reduced setback if the property zoned District #07-Business B-2 and;

WHEREAS, the Town of Three Lakes authored and approved the request (copy attached) and;

WHEREAS, On January 3, 2018 the Planning and Development Committee held a Public Hearing and the adjoining landowners were provided with a written notice of the change and one individual speaking on behalf of the library was in support of the change and nobody voiced concerns with the change and;

WHEREAS, The Planning & Development Committee has reviewed the general standards as specified in Section 9.86(F) of the Oneida County Zoning & Shoreland Protection Ordinance and concluded that the standards have been met. The Planning & Development Committee recommends passage.

NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS: Petition #14-2017:

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: The ordinance shall take effect the day after passage and publication as required by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: Rezone Petition #14-2017 is hereby adopted amending the Master Zoning District Document and the Oneida County Official Zoning District Boundary Map, by changing the zoning district classification from District #1A-Forestry to District #07-Business B-2 on property described as follows:

All that part of Lots 4, 5, 6, 7, and 8, Block 12, Village of Three Lakes, located in NW NW, Section 7, T38N, R11E, Town of Three Lakes.

The County Clerk shall, within seven (7) days after adoption of Rezone Petition # 14-2017 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to Three Lakes Town Clerk.

Approved by the Planning and Development Committee this 10th day of January 2018.

Offered and passage moved by: Scott Holewinski, Jack Sorensen, Dave Hintz, Billy Fried, Mike Timmons.

APPOINTMENTS TO COMMITTEES, COMMISSIONS AND OTHER ORGANIZATIONS:

- Reappoint Mark Espeseth to the Veteran's Service Commission with a term to expire in January 2021.

Motion/Second: VanRaalte/Sorensen to accept the Consent Agenda as presented.

Roll Call Vote: 18 Aye, 3 Absent, Timmons, Ives, Cushing. Consent Agenda approved.

Student Representative: 2 Absent

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 5-2018/Ordinance Amendment # 15-2017: Offered by the Supervisors of the Planning and Development Committee amending Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #15-2017, (copy attached) which was filed December 21, 2017 (copy attached) to amend Article 3, Section 9.31, 9.32, 9.33, and 9.37; Article 7, Section 9.72; all of Article 9; and Article 10 of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon January 10, 2018 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, 2015 Wisconsin Act 55 made changes to Wisconsin Administrative Code NR 115 and;

WHEREAS, 2015 Wisconsin Act 55 prohibits a county shoreland zoning ordinance from regulating a matter more restrictively than the matter is regulated by a shoreland zoning standard promulgated as an administrative rule by the Wisconsin Department of Natural Resources and;

WHEREAS, the Planning and Development Committee initially held three public hearings in Woodruff, Three Lakes, and Rhinelander to solicit public input and;

WHEREAS, 2016 Wisconsin Act 167 and Act 391 clarified language found in 2015 Wisconsin Act 55 and;

WHEREAS, the Planning and Development Committee made changes to the initial ordinance amendment to incorporate public comments and held four additional public hearings, each held after incorporating public input and;

WHEREAS, the Planning and Development Committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect April 1, 2018.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.31 GENERAL DESCRIPTION OF PERMITS

A. Permitted Uses

As provided in sections 9.32 and 9.33 below, generally a zoning permit must be obtained from the Zoning Administrator before a permitted use may occur or a structure is built, erected, placed, enlarged, altered, or moved ~~built or altered~~. The procedures for the issuance of such a zoning permit are found at sections 9.34 and 9.35. Even in the case of a listed "permitted use," after reviewing a zoning permit application, the Zoning Administrator may determine that special conditions need to be imposed to control the impact of a proposed permitted use. When this occurs, the permitted use is treated as an administrative review use. Section 9.35 describes the situations in which certain permitted uses may be treated as administrative review uses. In such a situation, the Zoning Administrator would process the application under the procedures applicable to administrative review permits contained in section 9.36.

9.32 ZONING PERMIT REQUIREMENT (#8-2015)

A zoning permit shall be obtained before:

- A. A structure is built, erected, placed, enlarged, altered or moved.
- B. A structure is structurally altered so as to change its use or increase the square footage of its floor area or vertical surface area.
- C. A structure is repaired when 50% or more of a structure's CEAV has been damaged or destroyed by fire or other catastrophic cause.
- D. The construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

~~D.~~ E. The use of a structure or property is changed.

~~E.~~ F. A recreational vehicle is used as a dwelling for more than five (5) consecutive days unless exempt under 9.33(F).

9.33 EXCEPTIONS TO ZONING PERMIT REQUIREMENT

A. New Structure (Costs under \$2,500)

A zoning permit shall not be required when the total fair market value of materials and labor reasonably anticipated for the total cost of constructing a new structure is \$2,500.00 or less, and provided:

- 1. The structure is less than 200 square feet in size.
- 2. The structure is not part of a sewerage system.
- 3. Driveways, sidewalks and walkways, greater than 75' from the OHWM provided they meet the impervious requirements of the ordinance
- 3. 4 The structure conforms with all other requirements of this ordinance.

B. Existing Structure (Alterations under \$2500.00 ~~\$5,000.00~~)

A zoning permit shall not be required for an existing structure when the cumulative fair market value of materials and labor for all structural alterations to the structure, excluding ~~ordinary~~ maintenance and repairs, is ~~\$2500.00~~ ~~\$5,000.00~~ or less over the life of the structure, and provided:

1. The improvements or alterations do not structurally alter the structure so as to change its use.
2. The improvements or alterations do not include the replacement of an existing impervious surface greater than 200 square feet in size.
- ~~2-3.~~ 3. The structure conforms to all of the requirements of this ordinance.
- ~~3-4.~~ 4. The structural alteration does not result in any further encroachment upon any setback, yard or open space areas controlled by this ordinance.

C. ~~Ordinary~~ Maintenance and Repairs

A zoning permit shall not be required for the ~~ordinary~~-maintenance and repair of a structure.

9.37 MISCELLANEOUS ZONING AND ADMINISTRATIVE REVIEW PERMIT PROVISIONS

A. Expiration. A zoning permit, shoreyard alteration permit or administrative review permit shall expire two years from the date of issuance of the permit and may not be renewed.

1. The footings, foundation or slab and the outside shell of the structure must be complete at the time the original permit expires. If the footings, foundation or slab and the outside shell is not complete within two years, a new zoning permit must be applied for and approved.

B. Reapplication After Denial

1. No zoning permit, shoreyard alteration permit or administrative review permit application which has been denied by the Zoning Department shall be considered again within one year of the written denial.
2. An applicant may re-file a zoning permit, shoreyard alteration permit or administrative review permit application if the application does not involve a request for a similar project or project of similar size, scope and design or where the application no longer conflicts with any ordinance provisions.

B. Posting of Permit. Once issued, the zoning permit, shoreyard alteration permit or administrative review permit shall be posted in a prominent place on the premises or structure prior to and until after the completion of the building, erection, placement, enlargement, alteration or moving of the structure. The permit does not need to be posted if it was obtained solely because the use of a structure or property was changed and no building, erection, placement, enlargement, alteration, or moving of a structure will occur.

C. Committee Consultation. The Zoning Department may consult with the Committee on any zoning permit application, shoreyard alteration permit application or administrative review permit application.

D. Permit Records. The Department shall keep a complete record of all zoning permits, shoreyard alteration permits and administrative review permits and denials issued by the County.

9.72 BUILDING HEIGHT RESTRICTIONS

A. Height Limit Restrictions.

All structures located within 75ft of the OHWM. No principal or accessory structure located within 75 feet of the ordinary high-water mark (OHWM) of any navigable waters shall exceed 35 feet in height. See Article 10 definitions.

A B. Height Limit Restrictions.

Principal and accessory structures located greater than 75ft from the OHWM. See Article 10 definitions.

1. Except as provided in section 9.72(B), any building or structure exceeding two (2) stories or 35 feet in height shall require a CUP.
2. No principal building or structure shall exceed two stories or 35 feet in height and no detached accessory structure shall exceed 25 feet in height in District 2 Single Family Residential.

3. No multiple family dwelling units shall exceed two stories or 35 feet in height when community sewer and water facilities are not provided.
4. No detached accessory structure shall exceed 25 feet in height in District 3 Multiple Family Residential.
- ~~5. No boathouse or gazebo shall exceed 12 feet in height.~~

B C. Exemptions. Structures located greater than 75ft from the OHWM.

Buildings and structures that are exempt from height restrictions are:

1. Uninhabitable architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.
2. Special structures, such as gas tanks, grain elevators, private radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, sub stations and smoke stacks are exempt from the height limitations of this ordinance. A zoning permit or a conditional use permit may be required.
3. Essential services, such as utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance, but a zoning permit or a conditional use permit may be required.
4. Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, emergency service communication towers, and wireless telephone service towers shall be the minimum distance from all lot lines that they are in height, except when certification is provided by a Wisconsin licensed structural engineer and/or the tower manufacturer that the tower is designed to collapse within 50-percent of the height of the tower. With such certification provided, towers shall be the minimum distance of half the height of the tower from all lot lines. A zoning permit or a conditional use permit shall be required.
5. Agricultural structures, such as barns, silos, and windmills shall be the minimum distance from all lot lines that they are in height. Section 9.71(A)(4) shall also apply.
6. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations.

ARTICLE 9 - SHORELAND PROTECTION PROVISION

- 9.90 Shoreland Protection
- 9.91 Shoreland-Wetland Zoning
- 9.92 Shoreland-Wetland Restrictions
- 9.93 Land Division Review and Sanitary Regulations
- 9.94 OHWM Setbacks
- 9.95 Shoreland Vegetation Protection Area
- 9.96 Shoreland Mitigation Plan
- 9.97 Shoreland Alteration Permits
- 9.98 Piers, Other Berth Structures
- 9.99 Shoreland Uses and Structures

9.90 SHORELAND PROTECTION

A. Statutory Authorization

This ordinance is adopted pursuant to the authorization in ss. 59.692 Wis. Stats to implement 59.692, and 281.31.

B. Finding of Fact

Uncontrolled use of the shorelands and pollution of the navigable waters of Oneida County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Oneida County, Wisconsin. Changes made in 2017 to comply with NR115, Act 55, Act 167 and Act 391.

C. Purpose and Intent (NR 115.01)

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

1. Further the Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution Through:

- a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - b. Establishing minimum lot sizes to provide adequate area for private on-site wastewater treatment systems (POWTS).
 - c. Controlling filling and grading to prevent soil erosion problems.
 - d. Limiting impervious surfaces to control runoff which carries pollutants.
2. Protect Spawning Grounds, Fish and Aquatic Life Through:
- a. Preserving wetlands and other fish and aquatic habitat.
 - b. Regulating pollution sources.
 - c. Controlling shoreline alterations, dredging and lagooning.
3. Control Building Sites, Placement of Structures and Land Uses Through:
- a. Prohibiting certain uses detrimental to the shoreland-wetlands.
 - b. Setting minimum lot sizes and widths.
 - c. Setting minimum building setbacks from waterways.
 - d. Setting the maximum height of near shore structures.
4. Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty Through:
- a. Restricting the removal of natural shoreland cover.
 - b. Preventing shoreline encroachment by structures.
 - c. Controlling shoreland excavation and other earth moving activities.
 - d. Regulating the use and placement of boathouses and other structures.

D. Shoreland Jurisdiction

The shoreland protection provisions of this ordinance are adopted pursuant to sec. 59.692, Wis. Stats., and shall apply to all lands (referred to herein as "Shorelands") in the unincorporated areas of Oneida County, which are:

1. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Oneida County shall be presumed to be navigable if they are listed in the DNR publication "Surface Water Resources of Oneida County" or shown on the 7.5 minute series United States Geological Survey quadrangle maps.
2. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Oneida County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps. Flood Insurance Rate Maps, which have been adopted by Oneida County, shall be used to determine the extent of the floodplain of navigable rivers or streams in Oneida County. Floodplain areas are subject to the Oneida County Zoning and Shorelands Protection Ordinance.
3. The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Wis. Stats., applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Wis. Stats.
4. Determinations of navigability and ordinary high water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the Northern Region Service Center of the DNR for a final determination of a navigability or ordinary high water mark. The county may work with surveyors with regard to Wis. Stats. Sec. 59.692(1h).
5. Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
 - a. Lands adjacent to farm drainage ditches
 - (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching;

and
 - b. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
6. Shoreland Zoning Standards. In the past counties were allowed to adopt shoreland zoning standards more restrictive than those contained in NR 115. Currently, requirements in 2015 Wisconsin Act 55 do not allow counties to regulate a matter in a shoreland zoning ordinance more restrictively than the matter is regulated by a shoreland zoning standard. However, counties can continue to regulate a matter that is not regulated by a shoreland zoning standard.
7. Interpretation. Wis. Stats. Sec. (59.69)(13) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
8. Severability. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

E. General Zoning Provisions Apply in Shoreland Jurisdiction

The general zoning provisions of this ordinance consisting of Articles 1, 2, 3, 4, 5, 6, 7, 8 and 10 are expressly incorporated by reference into the Shoreland Protection Provisions (Article 9) of this ordinance and shall apply in the shorelands through the County, in towns that have adopted Comprehensive Zoning, and areas specified in Ordinance Amendment #367 (Sugar Camp Lake), Oneida County Board Resolution #8-92, effective March 2, 1992 and Ordinance Amendment #293 (Indian Lake), Oneida County Board Resolution #100-87, effective November 11, 1987 to the extent applicable. Both in the Town of Sugar Camp. In the event of a conflict between the general zoning provisions and the Shoreland Protection Provisions, the more restrictive provisions shall apply.

F. DNR Notices and Copies of County Decisions

1. Written notice shall be given to the Northern Region Service Center of the DNR at least ten (10) days prior to hearings on proposed shoreland variances, special uses (conditional uses), appeals for map or text interpretations and map or text amendments.
2. Copies of decisions on shoreland variances, special uses (special exceptions), (conditional uses), appeals for map or text interpretations, and map or text amendments shall be submitted to the Northern Region Service Center of the DNR within ten (10) days after they are granted or denied.

G. Compliance (NR 115.04)

The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

H. Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.

I. Abrogation and Greater Restrictions (s. 59.692(5) Wis. Stats.)

The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

1. (s. 59.692(2)(a), Wis. Stats.) This ordinance shall not require approval or be subject to disapproval by any town or town board.
2. (s. 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
3. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
4. The following provisions of the Oneida County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.
5. (s. 59.692(1d)(b), Wis. Stats.) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 9.90(C) of this ordinance,
6. (s. 59.692(1k)(a)1., Wis. Stats.) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
 - a. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - b. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
7. (s.59.692(7), Wis. Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

J. Administrative Provisions NR 115.04(4)

The shoreland ordinance adopted by each county shall require all of the following:

1. The appointment of an administrator and such additional staff as the workload may require.
2. The creation of a zoning agency as authorized by s. 59.69, Wis. Stats., a board of adjustment as authorized by s. 59.694, Wis. Stats., and a county planning agency as defined in s.236.02(1), Wis. Stats., and required by s. 59.692(3), Wis. Stats.
3. A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator, unless prohibited by s. 59.692(1k), Wis. Stats.
4. Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
5. A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
6. A special exception (conditional use) procedure for uses presenting special problems.
7. The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.
8. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 9.93.
9. Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
10. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
11. The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Wis. Stats.
12. The prosecution of violations of the shoreland ordinance.
13. Shoreland Wetland Map Amendments (NR 115.04). Every petition for a shoreland- wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

9.91 SHORELAND-WETLAND ZONING (DISTRICT 11)

A. Purpose

This district is adopted to maintain safe and healthful conditions, to prevent water pollution, to protect fish, aquatic life, fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

B. Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

C. Shoreland-Wetland District Boundaries

Where an apparent discrepancy exists between the Shoreland-Wetland District boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the Northern Region Service Center of the DNR to determine if the Shoreland-Wetland District boundary, as mapped, is in error. If the DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland or meets the wetland definition the Zoning Administrator shall have the authority to immediately grant or deny a permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Wisconsin Wetland Inventory maps, the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

D. Permitted Uses (NR 115.04(3))

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

1. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under sections 9.91(D)(1, 2 and 3).
 - a. Hiking, fishing, trapping, hunting, swimming, and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;
 - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - f. The construction or maintenance of duck blinds.
2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
 - c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
 - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
 - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
 - f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
 - a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - (1) The road cannot as a practical matter be located outside the wetland;
 - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 9.91(F)(2);
 - (3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (4) Road construction activities are carried out in the immediate area of the roadbed only.
 - b. The construction or maintenance of nonresidential buildings provided that:
 - (1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - (2) The building cannot, as a practical matter, be located outside the wetland;
 - (3) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - (4) Only limited filling or excavating necessary to provide structural support for the building is authorized.
 - c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - (1) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;
 - (2) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 9.91(D)(3)(a)(1-4) and;
 - (3) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

- (1) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- (2) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 9.91(F)(2).

E. Prohibited Uses

Any use not listed in section 9.91(D) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with sec. 59.69(5)(e), Wis. Stats., Wis. Admin. Code NR 115, and section 9.91(F) of this ordinance.

F. Rezoning

1. For all proposed text and map amendments to the Shoreland-Wetland District, the Northern Region Service Center of the DNR shall be provided with the following:
 - a. A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within five (5) days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - b. Written notice of public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing.
 - c. A copy of the Committee's findings and recommendations on each proposed amendment, within ten (10) days after the submission of those findings and recommendations to the County Board; and
 - d. Written notice of the County Board's decision on the proposed amendment, within ten (10) days after it is issued.
2. A wetland, or a portion thereof, in the Shoreland-Wetland District, shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - a. Storm and flood water storage capacity;
 - b. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d. Shoreline protection against soil erosion;
 - e. Fish spawning, breeding, nursery or feeding grounds;
 - f. Wildlife habitat; or
 - g. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>
3. If the DNR has notified the Committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in section 9.91(F)(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that 30 day period the Department of Natural Resources may notify the County Board that it will adopt a superseding Shoreland Ordinance for the County under sec. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until sec. 59.692(6), Wis. Stats., adoption procedure is completed and otherwise terminated."

9.92 SHORELAND-WETLAND RESTRICTIONS.

A. Purpose.

Wetlands are critical natural environmental features which provide Habitat for native animals and plants, help purify surface and subsurface waters, and add to, or help protect, the natural appearance of the Northwoods. This section provides the minimum land use restrictions determined to be essential to protect shoreland wetlands.

B. Applicability.

This section applies to all areas identified as shoreland wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer. The following restrictions do not apply to public utilities and public roads. Provisions of this section do not supersede more restrictive requirements identified in section 9.91 Shoreland-Wetland Zoning District or involving structures in a floodplain zoning district.

C. Restrictions.

1. No grading or other land disturbing activities shall be permitted closer than 15 feet from the edge of a shoreland wetland. An elevated walkway may be permitted pursuant to section 9.91(D)(2)(e).
2. Grading or other land disturbing

activities less than 25 feet from a shoreland wetland shall require silt fencing. Installation shall be done in accordance with the standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook (WDNR Pub. WR-222 1993 Revision).

9.93 LAND DIVISION REVIEW, SANITARY REGULATIONS, PLANNED UNIT

DEVELOPMENT and MINIMUM

LOT SIZE

A. Land Division Review (NR 115.05(2))

The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

1. Hazards to the health, safety or welfare of future residents.
2. Proper relationship to adjoining areas.
3. Public access to navigable waters, as required by law.
4. Adequate stormwater drainage facilities.
5. Conformity to state law and administrative code provisions.

B. Sanitary Regulations (NR 115.05(3))

Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

1. Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.
2. Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal system shall, prior to July 1, 1980, be required to comply with ch. SPS Comm 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats. and Minimum Lot Size (NR 115.05(1))

C. Planned Unit Development (pud). (NR 115.05(1)(a)4)

1. Purpose. The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

2. Requirements for planned unit development. The county Planning and Zoning Development Committee may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

- (a) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
- (b) Lots. Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Section 9.93 (D-F) shall be a non-riparian lot.
- (c) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 9.95 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
- (d) Back lot access (keyholing) is not permitted.

3. Procedure for Establishing A Planned Residential Unit Development District. The procedure for establishing a Planned Residential Unit Development district shall be as follows:

- (a) Petition. A petition setting forth all of the facts required in Section 9.93(C) shall be submitted to the Oneida county clerk with sufficient copies to provide for distribution by the clerk.
- (b) Review and Hearing: The petition shall be submitted to the county zoning agency established as required by s. 59.69(3)(d), Stats. which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in this ordinance.
The Planning and Zoning Department's report to the Oneida county board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults.

- (c) Findings and Conditions of Approval. The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 9.93(C)(2). If the petition is granted in whole or in part, the county board shall attach such written conditions to the approval as are required by and consistent with Section 9.93(C)(2). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.
- (d) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 9.93(C)(2) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

D. Minimum Lot Size (NR 115.05(1))

1. Purpose (NR115.05(1)(a))

Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

2. Sewered lots (NR 115.05(1)(a)1) Minimum area and width for each lot. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width and riparian frontage width shall be 65 feet.

3. Unsewered lots (NR 115.05(1)(a)2) Minimum area and width for each lot. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width and riparian frontage width shall be 100 feet.

4. Substandard lots (NR 115.05(1)(a)3)

A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

c. The substandard lot or parcel is developed to comply with all other ordinance requirements.

5. Other substandard lots

Except for lots which meet the requirements of section 9.93(D)(4) a building permit for the improvement of a lot having lesser dimensions than those stated in sections 9.93(D)(2) and (3) shall be issued only if a variance is granted by the board of adjustment.

E. Minimum Buildable Area Criteria

1. Each lot shall have the minimum lot area per Section 9.93(D)(2) and (3).

2. Minimum lot area shall be measured from the OHWM landward.

3. Any portion of a lot having a width of less than 30' shall not be considered in determining the minimum lot area.

4. Except for utility easements, any other easement or combination of adjacent easements which are greater than 20' in width shall not be used in determining the minimum lot area unless approved by the Department.

5. Except for utility easements, that portion of a lot that exceeds the minimum area requirements of Minimum Buildable Area Criteria shall not be divided by easements unless approved by the Department.

6. Square footage of the minimum buildable area shall:

a. Not contain any shoreland-wetlands or beds of navigable waters

b. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116.

c. Is at least 2' above the highest known water elevation of any body of water whose regional flood is undefined.

d. Must have dryland access to a public or private road.

F. Minimum Riparian Frontage and Average Lot Width

1. Each lot shall have the minimum riparian frontage width (RFW) and average lot width (ALW) per Section 9.93(D)(2) and (3).

2. The minimum required riparian frontage width shall be measured the lesser of a straight line connecting points where the side lot lines intersect the OHWM or as the length of a chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.

3. The minimum average lot width shall apply to the area covered by the minimum lot area. The width shall be calculated by averaging the measurements at the following locations:

a) The ordinary high water mark.

b) The building setback line (75ft from the OHWM).

c) The rear lot line or 200ft of the OHWM, whichever is closest.

4. Non Riparian ALW - The average horizontal straight line measurement between side lot lines of a lot from any given point within the lot area to be computed. The minimum average lot width (ALW) shall apply to the area covered by the portion of the lot containing the buildable area for the district and land use that applies. If the districts average width dimensions are maintained from the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

G. Riparian Access

Keyhole development as defined in this ordinance is prohibited.

9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES, IMPERVIOUS SURFACES AND HEIGHT

Unless exempt under Section 9.94(A), or reduced under Section 9.94(C), a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

- A. Exempt Structures (NR 115.05(1)(b)1m.) and s59.692(1k)(a)(6), Wis. Stats. All of the following structures are exempt from the shoreland setback standards in section 9.94. Any structure not specifically mentioned under Section 9.94(A)(1-7) below is not permitted.

1. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:

(a) The construction or placement of boathouses below the ordinary high water mark of any navigable waters shall be prohibited.

(b) The construction of a boathouse is confined to the viewing area and shall be at least 10 feet from the side yard lot line. With the exception of 9.94(A) (1) (k) below, boathouses shall be designed and constructed solely for the storage of boats and related equipment. Patio doors, fireplaces, plumbing, living facilities and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

(c) One boathouse is permitted on a lot as an accessory structure.

(d) Any boathouse which may be permitted within the setback area shall be of one story only. The basement definition does not apply to a boathouse and therefore constitutes a story. The sidewalls of a boathouse shall not exceed 12 feet in height and shall not be less than 7 feet in height as measured from the top of wall to the floor.

(e) Boathouse construction is subject to the requirements of Section 9.97.

(f) Boathouses shall be constructed in conformity with local floodplain zoning standards.

(g) The maximum width and footprint of a new boathouse parallel to the OHWM shall not exceed the following: (overhang and eaves are not included in the maximum width or footprint and shall not exceed two feet).

(1) For lakes less than 500 acres, rivers and streams the maximum width of a new boathouse shall not exceed 14 feet or a maximum footprint of 336sf.

(2) For lakes of 500 acres or more, Flowages and Chains the maximum width of a new boathouse shall not exceed 24 feet or a maximum footprint of 720 square feet.

Note: Lake size based on Land Information Data.

(h) Flat roofs that shed water away from the OHWM are permitted.

(i) The roof of a boathouse may be used as a deck provided that:

(1) The boathouse has a flat roof.

(2) The roof has no side walls or screens.

(3) The roof may have a railing that meets the State of

Wisconsin

Uniform Dwelling Code.

(j) The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).

(k) The placement of decking on top of a flat roof boathouse is not permitted.

(l) Stairs placed on the exterior side of a boathouse to gain access to a flat roof are not permitted. Concrete aprons/boat launch pads placed between the boathouse and OHWM are not permitted.

(m) Boathouse construction must comply with the provisions of Section 9.97.

(n) Onsite inspections may be required prior to excavation, during construction and upon completion for the placement all boathouses.

2. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Wis. Stats.

a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.

b. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded. The square footage of stairways, walkways, and lifts that are determined to be necessary by the Department to provide pedestrian access to a berth structure or shoreline because of steep slopes, or rocky, wet, or unstable soils, are not included in calculating the total floor area.

c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

d. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

e. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.

3. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
4. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS Comm 383 and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
5. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
6. Devices or systems used to treat runoff from impervious surfaces.

AA. Relaxation of standards for persons with disabilities

The Zoning Director may issue a permit to relax dimensional standards of _____ this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of _____ persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish:

1. That the facility or premises are routinely used by a disabled person;
2. The nature and extent of the disability; and
3. That the relaxation requested is the minimum necessary to provide reasonable use of the facility by the disabled person.

B. Existing Exempt Structures. (s.59.692(1k)(a)2m, Wis. Stats) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Oneida County may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2m, Wis. Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 9.94(B). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even storm water erosion control.

C. Reduced Principal Structure Setback. (s.59.692(1n), Wis. Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

(1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

- (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
- (b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
- (c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
- (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.
- (e) Principal Structures permitted a reduced setback are not permitted future expansion pursuant to Section 9.99(C).

Note: s. 59.692(1d)(a), Wis. Stats, requires counties to adopt the standards consistent with section 9.94(C)(1) for reducing the shoreland setback.

(2) Where there is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:

- (a) The existing principal structure is located on adjacent lot to the proposed principal structure.
- (b) The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
- (c) The existing principal structure is located less than 75' from the ordinary high water mark.
- (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

- (e) Principal Structures permitted a reduced setback are not permitted future expansion pursuant to Section 9.99(C).

D. Improvements

Any of the improvements referred to in section 9.94(A), and any stairway, walkway or lift which are essential to provide riparian access to the shoreline and which are a necessary extension of a pier, shall require a shoreland alteration permit if located in, on or over steep slopes, or rocky, saturated or unstable soils. The shoreland alteration permit shall be subject to the following minimum requirements and to such other requirements as the County may determine are necessary in order to maintain or improve the natural beauty and environmental stability of the setback area and the adjacent navigable waters:

1. The cutting of trees and shrubbery shall be subject to, and in the aggregate shall not exceed, the restrictions of section 9.95 of this ordinance and Wis. Admin. Code NR 115.05(3)(c). Whenever and wherever practicable, if a viewing area has been created by the cutting of trees and shrubbery, all buildings and structures which may be permitted in the setback area, shall be located within such viewing area(s).
2. Environmentally sensitive areas are to be avoided.
3. Native ground cover which stabilizes slopes or screens the improvement from view shall be maintained or, where determined necessary, planted and maintained.
4. Any filling, grading or excavation shall comply with the shoreland alteration permit requirements of this ordinance.
5. Either one stairway or one lift, which otherwise meets the terms and conditions of this ordinance, may be allowed, but not both.
6. Landscaped stairways at grade (not to exceed one foot below the existing grade) are permitted.
7. Walkways and lifts shall be supported on pilings or footings.
8. If necessary for safety purposes, landings not exceeding five feet in width, including those required for purposes of access to stairways and lifts, are permitted. Open railings on walkways, and open grill work on lifts are permitted. Benches, seats and tables on walkways are prohibited.
9. A maximum width of five (5) feet is allowed for stairways, and walkways.
10. Unless otherwise permitted in this ordinance, canopies, roofs and side walls are prohibited.

E. Floodplain Structures (NR115.05(1)(b)((2)) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

F. Impervious Surface Standards (NR 115.05(1)(e)

1. Purpose. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.
2. Calculation of Percentage of Impervious Surface. (NR 115.05(1)(e)((1)) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high- water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in section 9.94(F)(5) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: NR 115.05(1)(e)1m. clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc... on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties subject to the Condominium form of ownership, the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

3. General Impervious Surface Standard. (NR 115.05(1)(e)((2)) Except as allowed in sections 9.94(F)(4, 5 and 6) allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
4. Maximum Impervious Surface. (NR 115.05(1)(e)((3)) A property may exceed the impervious surface standard under section 9.94(F)(3 and 4) provided the following standards are met:
 - a. For properties where the general impervious surface standard applies under section 9.94(F)(3), a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
 - b. For properties that exceed the standard under section 9.94(F)(3) but do not exceed the maximum standard under sections 9.94(F)(4)(a), a permit can be issued for development with a mitigation plan that meets the standards found in section 9.96.
5. Treated Impervious Surfaces (NR115.05(1)(e)3m. and s.59.692(1k)(a)1.e.) Wis.Stats. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 9.94(F)(2).
 - a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

Note: The provisions in section 9.94(F)(5) are an exemption from the impervious surface standards and as such should be read construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with section 9.94(F)(5) will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 9.94(F)(5).

- c. To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:
 1. Calculations showing how much runoff is coming from the impervious surface area.
 2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
 3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.
6. Existing Impervious Surfaces. (NR 115.05(1)(e)(4)) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 9.94(F)(3) or the maximum impervious surface standard in section 9.94(F)(4) the property owner may do any of the following:
 - a. maintain and repair the existing impervious surfaces;
 - b. replace existing impervious surfaces with similar surfaces within the existing building envelope;
 - c. relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in Section 9.94.

Note: The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

G. Height. (NR 115.05(1)(f)) To protect and preserve wildlife habitat and natural scenic beauty a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground to a line horizontal to the highest point of a structure, unless specified under other sections of this code (see appendix).

A. Purpose. (NR 115.05(1)(c)((1)) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients. Filling, grading and excavating within the Vegetative Buffer Zone is prohibited with the exception of construction of a boathouse, walkway or planting vegetation.

B. Activities allowed within the Vegetative Buffer Zone. (NR 15.05(1)(c)((2))To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

1. The county may allow routine maintenance of vegetation.
2. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis. Stats. The viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the for the entire maximum width or shoreline frontage owned.
3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR- 226), provided that vegetation removal be consistent with these practices.
4. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
5. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.
6. Shoreline protection activities authorized by a state permit and erosion control measures approved by the County Land Conservation Department which are designed to remedy significant existing erosion problems.

9.96 SHORELAND MITIGATION PLAN

Mitigation (s. 59.692(1v), Wis. Stats., NR 115.05 (1)(e)3., (g)5., (g)6.) When the county issues a permit requiring mitigation under sections 9.94(A)(2), 9.94(F)(4)(b) and 9.99(C and E), the property owner must submit a complete permit application that is reviewed and approved by the county. The application shall include the following:

- A. A site plan that describes the proposed mitigation measures
 1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities
 2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- B. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.
- C. Mitigation options meeting the requirements of Section 9.94(A)(2) "Open sided and screened structures." shall preserve and/or establish a 37.5 feet vegetative buffer zone. A buffer zone at least 37.5 feet from, and parallel to the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible.
- D. Mitigation options meeting the requirements of Section 9.99(C) and (E). Up to 200sf lateral expansion or relocation of a nonconforming principal structure located 35ft to 75ft from the OHWM:

The property owner shall choose and implement 2 of the following to meet the mitigation requirements under 9.99(C) and 3 of the following to meet the mitigation requirements under 9.99(E):

1. Removal of an accessory structure located less than 75ft from the OHWM.
2. Installation of a rain garden.
3. Installation of one of the impervious surface treatment options under 9.96(E).
4. Removal of an existing beach.
5. Increase depth of 35ft vegetative buffer to 50ft. (active or passive restoration).
6. Reduce view corridor width to 25% of the of the shoreline frontage.
7. Establish a buffer zone at least ten feet (10') wide extending along each side lot line for a depth of at least seventy-five feet (75') from the ordinary high water mark. Buffers shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible.

8. POWTS. The associated private onsite wastewater treatment system must be evaluated and upgraded as appropriate in compliance with SPS 383, Wis. Administrative Code. (Note: If the system was evaluated within 3 years and maintenance is up to date a new evaluation will not be required.)

9. Establish a buffer zone at least 35 feet from, and parallel to the ordinary high water mark. The buffer shall be planted or restored and maintained with _____ vegetation native to the area to the fullest practicable extent possible.

E. Mitigation options for properties exceeding the impervious surface requirements of Section 9.94(F)(4). Development that exceeds 15% impervious surface but not more than 30% impervious surface shall be required to utilize one of the following treatment systems in order to offset the impacts of the impervious surface being permitted.

1. Buffer strips
2. Constructed wetlands
3. Depressed pervious area
4. Extended detention ponds
5. Infiltration basins
6. Infiltration trenches
7. Infiltration tubes
8. Rain gardens
9. Rain harvesting systems
10. Vegetated filter strips
11. Vegetated swales/grassed channels
12. Wet detention ponds
13. Wet retention ponds

9.97 SHOREYARD ALTERATION PERMITS AND FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d)) Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

A. Shoreyard Alteration Permit Required

As specified in this section, a shoreyard alteration permit is required for the filling, grading, lagooning, dredging, ditching or excavation of a shoreyard except in the Shoreland-Wetland District (District 11) when done in association with the activities specified in sections 9.91(D)(2). Filling, grading and excavating within the Vegetative Buffer Zone is prohibited with the exception of construction of a boathouse, walkway or planting vegetation. Onsite inspections may be required prior to excavation, during construction and upon completion. Shoreline protection activities authorized by a state permit and erosion control measures approved by the County Land Conservation Department which are designed to remedy significant existing erosion problems are permitted without a Shoreland Alteration Permit.

B. Application

An application for a shoreyard alteration permit shall be filed with the Department on a form approved by the Committee and available from the Department. Completed applications shall be accompanied by the application fee, as determined by the County Board from time to time. Any state or federal permits required for a project shall be filed with the application. No application will be considered complete until these permits are filed.

C. Permit Review Procedure

1. Permit from Zoning Administrator

The Zoning Administrator has the authority to act on applications in the instances set forth below. The Zoning Administrator shall act on an application within 30 working days of the completed application being filed.

(a) Alterations for the placement of structures, pursuant to 9.94(A), and walkways if located in, on or over steep slopes or rocks, saturated or unstable soils.

(b) Alterations greater than 200 square feet but less than 10,000 square feet of the shoreyard that slope towards the ordinary high water mark _____ of a navigable water body, when the slope is between 12% to 45%.

(c) Alterations of more than 10,000 square feet of the shoreyard when the slope of the shoreyard is less than 45%.

(d) Alterations of the Shoreyard when the slope is greater than 45% is prohibited.

2. Engineering or Architectural Plans

In the following circumstances, when a Shoreyard Alteration Permit is required, the applicant shall file plans created by a registered professional engineer or landscape architect describing erosion control measures to be utilized during construction excavation. The registered professional engineer or landscape architect shall certify that the erosion control measures specified in the permit and plans have been properly installed prior to the start of any construction excavation activities:

- (a) Alterations less than 35ft from the OHWM of a navigable water body when the slope is between 12% to 45%.
- (b) Alterations greater than 35ft but less than 75ft from the OHWM that slope towards the ordinary high water mark of a navigable water body, when the slope is between 25% to 45%.
- (c) Alterations of more than 10,000 square feet of the shoreyard where the project is for the construction of anything other than a single family dwelling.
- (d) The Zoning Director upon review of a completed shoreyard alteration permit may waive the registered professional engineer or landscape architect plan requirement and as a substitute require special restrictions and conditions to ensure proper erosion control measures will be implemented before, during and after construction excavation.

D. Inspections

1. An inspection of the site by the Department may be performed prior to the issuance of any shoreyard alteration permit.
2. A second on-site inspection may be performed by the Department to ensure proper fencing and erosion control measures after the permit is issued but prior to any construction excavation.
3. An on-site inspection may be performed by Department during construction and upon completion to ensure that the project complies with this ordinance.

E. Permit Conditions

In granting a shoreyard alteration permit, the Committee, or the Zoning Administrator, shall require that the applicant comply with the following conditions where appropriate:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover (such as mulch) shall be used and permanent cover (such as sod) shall be planted.
3. Diversion, silting basin, terraces and other methods shall be used to trap sediment.
4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
5. Fill shall be stabilized according to accepted engineering standards.
6. Fill shall not restrict a floodway or destroy the storage capacity of a floodplain.
7. Sides of a channel or artificial watercourses shall be stabilized to prevent slumping.
8. Sides of channels or artificial watercourses shall be constructed with slopes (side) of two units horizontal distance to one unit vertical or flatter, unless bulkheads or rip-rapping are provided.
9. Any specific landscaping, construction, planting, or erosion control conditions.
10. Fill materials shall not be deposited in any floodplain, wetland, or outside the designated and fenced construction without proper written authorization.
11. Post-construction runoff shall be infiltrated or temporarily stored to prevent erosion and sediment transport.
12. Upland slopes and artificial watercourses shall be stabilized according to accepted engineering standards.
13. Any other conditions intended to protect shorelines and minimize erosion, sedimentation, and the impairment of fish and wildlife habitat.
14. Onsite inspections ~~may~~ may be required prior to excavation, during construction and upon completion for Alterations greater than 200 square feet but less than 10,000 square feet located within 75ft of the OHWM that slope towards the ordinary high water mark of a navigable water body, when the slope is between 12% to 45%.

F. Stormwater Runoff/Soil Disturbance.

The placement of structures, the development of property, filling grading, lagooning, dredging, ditching or excavation of the shoreyard cannot result in the diversion of water onto adjoining properties. All storm water must be contained within the boundaries of a lot or parcel, with the exception of runoff directed to private easement roads, public roads or highways. If storm water runoff cannot be contained on the property, it may be directed towards a town road or highway upon receipt of a written statement from the government entity that has jurisdiction over such road, stating that it has no objection. This provision applies to both on-water and off-water lots within all shoreland zoning districts.

9.98 PIERS and OTHER BERTH STRUCTURES.

A. Purpose

Near shorelands and waters and land within statutorily established setback distances from the OHWM provide natural beauty and are biologically the most productive and the most important for recreational use. Excessive or inappropriate construction of berthing and recreation structures in Oneida County's waterways may have a substantial cumulative adverse effect on public rights and interests in those waters. These requirements are intended to minimize the adverse effects of such construction and to reduce conflict between adjacent or nearby riparian owners by separating their respective uses of the water. A pier shall not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water and shall not interfere with the rights of other

riparian owners. It is recognized that berth structures may be used by people with or without boats, for swimming and fishing and may be used for general recreation. This ordinance does not regulate the placement or use of mooring buoys other than to count them in any determination of the maximum number of berths allowed to a riparian land owner pursuant to section 9.98(D).

B. Compliance

1. A berth structure which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible pre-existing berth structure subject to the requirements of Section 9.99 of this ordinance. The annual seasonal removal of the berth structure does not affect its status as a permissible pre-existing berth structure.
2. Subject to the conditions and restrictions of any existing State or County permit, a marina which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible marina to the extent that it is located and used in accordance with such permit.
3. Any increase in the number of berths, any change in the location of, or any increase in the dimensions of, or any replacement of an existing berth structure shall be in accordance with this section. Boathouses are not subject to the dimensional restrictions of this section.

C. Berth Structures Limited (#83-2003)

1. Berth structures, except boathouses and boat shelters, may be placed by a riparian property owner without County permits if the construction complies with this section.
2. The use of the property must remain in conformity with the permissible uses enumerated within the zoning district.
3. Decks, platforms and other construction not essential for berthing of boats are prohibited, except that a canopy is permitted over a boat hoist or boat lift and a roof is permitted over a boat shelter or boathouse
4. A wharf shall only be permitted as an authorized berth structure upon the application for and issuance of a zoning permit after the following conditions have been established by the applicant:
 - a. That the wharf will not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water.
 - b. That the wharf does not interfere with the rights of other riparian owners.
 - c. That the construction or installation of a pier is not a practicable alternative.

D. Number of Berths

1. For each lot, the total number of berths or moorings at a berth structure is limited to two for the first full 50 feet of shoreline and one berth for each additional full 50 feet. Other factors such as those referenced in section 9.98(E), below, may limit construction and placement to a lesser number. Contiguous lots in common ownership shall be considered a single lot for the purposes of this section.
2. The maximum number of berths that may be permitted for a marina shall be two times the number of berths that would otherwise be permitted under section 9.98(D)(1), subject to the same factors as those referenced in section 9.98(E), which may limit construction and placement to a lesser number. Compliance with this section shall be subject to section 9.98(B)(3).
3. For the purpose of this section, riparian shoreline frontage shall be determined pursuant to the provisions of Wis. Admin. Code NR 326.07.

E. Location of Berth Structures

1. Berth structures and moored boats must be confined to the owner's riparian zone as described in Wis. Admin. Code NR 326. Berth structures must be set back a minimum of 10 feet from side lot lines extended waterward and any additional distance required to confine approach and docking of the boat to the owner's riparian zone.
2. A berth structure may not unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters. A pier may not encircle or isolate part of a waterway and may not interfere with the rights of other riparian owners.
3. Berth structures and their use may not damage public interest in waterways, including but not limited to, ecologically significant areas, i.e. spawning areas, important vegetation, loon or other waterfowl nesting areas, natural shoreline beauty.
4. Berth structures shall be consolidated as close together as practicable at a single location for each lot. Located within the view corridor, for each lot.
5. Berth structures, where practicable, shall be located immediately waterward from the shoreline where any boathouse or boat shelter is located.
6. The number of piers allowed accrues proportionately to the amount of shoreland frontage owned: one pier is permitted for riparian owners owning less than 150 feet of shoreland frontage. One additional pier is permitted for each additional full 100 feet. Multiple piers shall be consolidated as close together as practicable for each lot.

F. Dimensional Requirements (#83-2003)

1. Length
 - a. Unless limited by a pierhead line, as authorized by sec. 30.13, Wis. Stats., pier length is limited to:
 - (1) distance to three (3) foot water depth.
 - (2) length of boat to be berthed.
 - (3) depth required by boat to be berthed.

2. Width. The deck width of a pier, including "T" or "L" or similar finger extensions, may not exceed six (6) feet. Pursuant to Section 9.19, Relaxation of Standards for Persons with Disabilities, a deck width of up to eight (8) feet may be permitted because of the handicap of a frequent user.
3. Lateral extensions. Any lateral extensions on piers shall be a "T" or "L" shape and must not exceed 20 feet in total width.

G. Regulation of Lighting

1. The purpose of this section is to minimize light pollution of the shoreland environment without significantly inhibiting safety and security. This section applies to all lighting on berthing structures or designed to illuminate those structures and associated berths. Light fixtures which do not conform to these provisions may be allowed with a conditional use permit upon a showing of special circumstances affecting safety, security, or general public interest. *Legal pre-existing lighting in existence on the effective date of this section must be brought into compliance within five (5) years.*
2.
 1. Flashing and rotating lights are prohibited.
 2. Lighting inside a boathouse and intended to illuminate its interior is permitted.
 3. Lighting on exteriors of berthing structures shall be fitted with opaque shades or shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond the berthing structure.
 4. Lighting not mounted on a berthing structure but designed to illuminate a berthing structure or its immediate vicinity shall comply with subparagraph 3 above.
 5. Lighting installed on, or intended to illuminate, seasonally used berthing structures shall be turned off when not required for safety or security.
 6. Public marinas may install illuminated signs with opaque shaded or shielded lighting that provide information pertaining to applicable federal, state or municipal rules and regulations relating to electrical, fueling, waste and sewage disposal or other safety and environmental matters. Such sign illumination shall not be visible from off the berth structure.

H. Accessory Construction

A pier may include only the following accessory construction:

1. Fuel or sewage handling equipment if applicable state and local safety and pollution prevention rules are complied with and necessary State and/or County permits are obtained.
2. Up to two (2) benches that are 6 feet or less in length or two (2) swivel seats, or one bench 6 feet or less and one swivel seat.
3. Flag pole.
4. A vertical boarding ladder or near vertical water stairs with handrails not to exceed four (4) feet in width.
5. An open railing may be permitted pursuant to Section 9.19 Relaxation of Standards for Persons with Disabilities.
6. Bumpers to protect watercraft and pier from damage.

I. Pier Construction Materials

Piers may be constructed of wood, treated wood, metal or other material, subject to the following:

1. They shall be free of any product residue or pollutants.
2. Metallic flotation devices shall be coated or painted to prevent corrosion.
3. They shall not include any container previously used to store hazardous substances as defined in sec. 144.01, Wis. Stats
4. They shall not include material that may readily fragment or break up, such as unprotected polystyrene or polyurethane floats.
5. Flotation devices shall be securely attached to the frame and maintained in serviceable condition at all times.

J. Marina Permit Guidelines

Granting of permits for marina facilities under this section shall be guided by the following principles:

1. The County has an obligation to protect public water resources and public safety by regulating construction of berth structures for boats.
2. The County encourages public access to navigable water consistent with its obligation to prevent degradation of water resources by overuse.
3. The uncontrolled drainage of developed riparian land has a significant adverse impact upon the health, safety, and welfare of the County by increasing the siltation and pollution of ground and surface water, by accelerating the eutrophication of receiving waters, by diminishing groundwater recharge and by increasing the incidence and severity of flooding.
4. The right to place berths, berth structures or on-site storage facilities for boats accrues in proportion to the amount of shoreline owned as described in section 9.98(D). Any such berth or storage facility in excess of the number permitted pursuant to section 9.98(D), shall be authorized only for the purpose of serving the public's interests and rights in the navigable waterways of this County. Such berths or on-site storage facilities must be available to members of the public on a first come - first served basis. Rentals or leases for the exclusive use of any such berths shall not be permitted for periods in excess of one year.

K. Marina Facilities

1. Any pier, boat shelter or mooring placement which exceeds the requirements of section 9.98(D) is deemed a marina facility for the purposes of meeting the requirements of this section and shall require a conditional use permit which may only be issued after a duly noticed public hearing has been held. Such permits may only be approved for lots which are located in zoning districts which allow marinas, or if the facility is owned by the federal, state or a municipal government.
2. In making a determination of whether a site is appropriate for a marina, the type of information contained in a CUP application may be considered as well as the impact of a marina on neighboring land or public facilities and of the public need for a marina. The following additional criteria must be addressed:
 - a. Existing land and water uses within 2 mile of the marina, including all current business uses of the property.
 - b. Current zoning district designation within 2 mile of the marina.
 - c. Proximity of the marina to existing public boat landings, public swimming beaches and marinas.
 - d. Buffer areas between the marina and adjacent properties.
 - e. Location of ecologically significant areas within 2 mile of the proposed site.
 - f. Noise control measures.
 - g. A detailed sketch showing location and size of existing and proposed buildings, wells, septic systems, piers, individual slips, mooring buoys, water depth for berths and berth structures, boat launching facilities, beaches, fuel tanks and dispenser, parking lots, traffic circulation for both vehicles and boats.
 - h. A statement from the applicant indicating the number of berths proposed to be sold, rented, or leased and the method of conveyance (e.g., fee simple, lease).
 - i. Methods of waste collection and disposal. Identify precautions to stop improper disposal.
 - j. Visual markers and/or signage of reasonable dimensions necessary to identify and/or locate the project.
 - k. Exterior lighting of the marina facility.
 - l. Sewage system capacity and compliance.
 - m. Motor vehicle and trailer parking facilities.
 - n. Hours of operation.
 - o. Anticipated future changes or additional phases of the project.
 - p. Methods to safely dispensing fuel.
 - q. Location of any existing or proposed no-wake buoys.
 - r. Erosion control measures.
 - s. Storm water runoff controls.
 - t. Fire protection measures.
 - u. A statement from the applicant identifying all permits applied for or obtained by the applicant or his/her predecessor at the site, or obtained by the applicant or his/her operator at any other commercial site within the preceding ten (10) years and the extent of compliance with such permits.

L. Marina Facility Requirements

Marina facilities shall comply with the following requirements:

1. Marina facilities may not be permitted on waters formally designated by federal or state government as an outstanding resource water.
2. The applicant is required to secure authorization required by municipal floodplain, shoreland, wetland and general zoning ordinances and applicable state statutes and administrative rules, including but not limited to regulations relating to electrical, fueling, waste and sewage disposal and other safety and environmental regulations.
3. The applicant must demonstrate that on-land boat storage or trailer launch facilities are not a feasible alternative to any proposed pier, boat shelter or mooring construction.
4. The applicant shall employ erosion control measures to prevent erosion, siltation, sedimentation and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the applicant or the contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding and the construction of berms.
5. The applicant shall determine stormwater runoff or flow as a result of this development. The applicant shall provide stormwater management facilities either in the form of an infiltration structure or a detention basin which will retain on-site the first inch of stormwater from all impervious surfaces from this development.
6. Berthing privileges available to members of the public shall be rented or leased only on a first come - first served basis for terms no longer than one (1) year.
7. Any change or proposed change involving the facts relating to criteria identified in sections 9.98(K) and (L) or as a condition of approval for which a conditional use permit was issued must be submitted to and approved by the County prior to implementation of such change.
8. Reasonable public access to the facility and handicapped parking in compliance with state and federal regulations for the disabled must be provided.
9. Permits issued under this section are subject to further restrictions, conditions, modifications or revocation if the County determines the facility has become detrimental to the public interest or that it is not being adequately offered for use to the general public.
10. Boats berthed at a marina facility shall not be used for overnight lodging.

M. Boathouses

Any permitted boathouse shall be confined to the viewing area, shall be at least 10 feet from the side yard lot line and subject to the provisions of section 9.94(A).

9.99 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g))

A. Discontinued Nonconforming Use (NR 115.05(1)(g)3.)

If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

B. Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures. (s. 59.692(1k)(a)1.b. and d. Wis. Stats.)

An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)1.b. and d. Wis. Stats. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 9.99. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

C. Lateral Expansion of Nonconforming Principal Structure within the Setback. (NR 115.05(1)(g)((5))

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 9.94 may be expanded laterally, provided that all of the following requirements are met:

1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
4. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 9.96.
5. Conforming principal structures permitted a reduced setback per Section 9.94 are not permitted expansion under this Section.
6. All other provisions of the shoreland ordinance shall be met.

D. Expansion Of A Nonconforming Principal Structure Beyond Setback. (NR115.05(1)(g)((5m))

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 9.94, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 9.94 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 9.94(F).

E. Relocation Of Nonconforming Principal Structures (NR 115.05(1)(g)6.)

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 9.94 may be relocated on the property provided all of the following requirements are met:

1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
4. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 9.94.
5. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 9.96
6. All other provisions of the shoreland ordinance shall be met.

F. Maintenance, Repair, Replacement or Vertical Expansion of Structures that were authorized by variance. (s. 59.692(1k)(a)2. and (a)4.

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2. Wis. Stats. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control

G. Structures that do not meet the minimum setbacks to lot lines (side yard or rear yard setback) and road right-of-way lines. The following requirements do not apply to the OHWM setback.

1. Accessory structures that encroach over lot lines, road right-of-way lines, or are located within the road setback, side yard or rear yard setback are permitted ordinary maintenance and repair. Such accessory structures shall not be structurally altered, improved, replaced or expanded.

2. Dwelling units or principal buildings located in road setback, side yard setback or rear yard setback areas may be continued subject to the following:

a. All work must be in strict compliance with all other requirements of this ordinance. Ordinary maintenance, repairs and structural improvements shall be permitted.

b. A dwelling unit or principal building or portions thereof located in a road setback, side yard setback or rear yard setback areas is permitted to be expanded vertically and horizontally, which may result in total replacement, in a direction away from the adjoining lot line or road right-of-way line. Upon reaching the setback line, such expansion may also be lateral to the setback line.

c. In the event a proposed expansion is in a road setback area, the property owner shall obtain a written statement from the government entity that has jurisdiction over such road stating that it has no objection.

3. Dwelling units or principal buildings that encroach over lot lines or road right-of-way lines may be continued subject to the following:

a. All work shall be in strict compliance with all other requirements of this ordinance.

b. Ordinary maintenance, repairs and non-structural improvements shall be permitted provided they do not alter the envelope of such structure, which consists of any existing exterior wall, roof or foundation.

c. Structural improvements. The alteration of any structural members of the existing walls, roof or interior structural members of such structure shall not be permitted.

CHAPTER 9

ARTICLE 10 – DEFINITIONS

(# 08-2004, 14-2007, 14-2008)

The following definitions shall apply and control through this ordinance. Words or phrases not defined specifically below but used in this ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this ordinance its most reasonable application.

Access and Viewing Corridor: a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ALW Non-Riparian Lot - The average horizontal straight line measurement between side lot lines of a lot from any given point within the lot area to be computed. The minimum average lot width (ALW) shall apply to the area covered by the portion of the lot containing the buildable area for the district and land use that applies. If the districts average width dimensions are maintained from the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

ALW Riparian Lot (Average Lot Width): The average horizontal straight line measurement between side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the point(s) at which the lot's riparian frontage width ("RFW" as defined in Article 10 Definitions) and/or frontage width is determined to the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

The minimum average lot width shall apply to the area covered by the minimum lot area. The width shall be calculated by averaging the measurements at the following locations:

- a) The ordinary high water mark.
- b) The building setback line (75ft from the OHWM).
- c) The rear lot line or 200ft from the OHWM, whichever is closest.

Appurtenance: Any object or thing permanently or temporarily attached to a structure.

Banner: Any sign, painted, printed or otherwise displayed on cloth, plastic film or similar material.

Basement: Any enclosed area of a building having its floor subgrade, i.e., below ground level, on at least three sides.

Bed and Breakfast Establishment: Any place of lodging that: (a) provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients; (b) provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) is the owner's personal residence; (d) is occupied by the owner at the time of rental; (e) was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and (f) has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure.

Berth: A single space at a berth structure where a boat is kept, secured, or lies at anchor in aid of navigation.

Berth Structure: Any boathouse, boat shelter, boat hoist, boat lift, boat dolly and track or similar system, pier, dock, mooring or mooring buoy on a navigable body of water or within the water line setback area from a navigable body of water where a boat is kept, secured or lies at anchor in aid of navigation.

Boarding House: A building or premises where meals or meals and lodging are offered for compensation for five (5) or more persons and not to exceed twenty (20) persons; not open to transients, in contradiction to hotels and restaurants open to transients.

Boat: Every description of watercraft used or capable of being used as a means of transportation on water, except seaplanes on the water, fishing rafts, sailboards, inner tubes or inflatable toys.

Boathouse: A permanent structure used for the storage of boats and other related items, one story only, cannot exceed a total height of 12 feet and shall contain no plumbing or other living facilities. watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts and shall contain no plumbing or other living facilities.

Boat Liveries: Establishments offering the rental of boats and fishing equipment.

Boat Shelter: A permanent structure in navigable waters designed and constructed to provide cover for a boat. It may include a roof and a boat hoist, but must not have walls or sides. Does not include shore stations.

Buffer strips: Areas adjacent to the aquatic vegetation of streams, wetlands, and lakes serving to facilitate nutrient buffering while providing additional benefits of shading to reduce water temperature, habitat, aesthetics and soil stabilization.

Building: Any structure which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, does not include a dwelling.

Building, Accessory: A detached subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building.

Building Envelope: The enclosure formed by the intersection of all building lines. The three dimensional space within which a structure is built.

Building Footprint: The area enclosed by the lines formed by connecting all points where the building's walls, or the foundation supporting the walls, meet the ground. For the purpose of this definition, ~~chimneys, decks, patios, cantilevered walls~~ or other appurtenances shall not be considered as part of the building footprint (see also definition of Footprint).

Building Height: ~~The building height for gable, cross-gabled, hip, cross-hipped, saltbox and lean-to roofs shall be the mean height. Mean height being defined as: (A) the measurement from the lowest exposed point of finished grade to eave, PLUS (B) the measurement from the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you the mean height or height of the building.~~

~~The building height for mansard and gambrel roofs shall be the mean height. Mean height being defined as: (A) the lowest exposed point of finished grade to the ridgeline and (B) the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you the mean height or height of the building.~~

The building height for flat, A-frame style houses and geodesic dome style houses shall be measured from the lowest exposed point of finished grade to the highest roof point.

Building Height (structures located less than 75ft from the OHWM): is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.

Building Height (principal and accessory structures located greater than 75ft from the OHWM): defined as: (A) the measurement from the lowest exposed point of finished grade to eave, PLUS (B) the measurement from the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you height of the building.

Building, Principal: The main structure on a lot which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Business, Retail: A commercial establishment that sells products in relatively small quantities, not in bulk, directly to ultimate consumers.

Business, Wholesale: A commercial establishment that sells products for further sale or processing. Wholesale businesses sell to retail businesses or jobbers, not to ultimate consumers.

Cabin: A small dwelling used temporarily for vacation or recreational purposes.

Campground: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive and tent camping and camping trailers.

Camping Trailer: A vehicle with a collapsing or folding structure designed for human habitation and towed upon a highway by a motor vehicle, not to exceed 320 square feet.

CEAV: Current equalized assessed value.

Child Caring Institution: A facility operated by a child welfare agency licensed under sec. 48.60, Wis. Stats., for the care and of children residing in that facility.

Channels: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Committee: Oneida County Planning and ~~Zoning~~ Development Committee.

Communication Structure: Any structure, whether free-standing or attached to an existing building or other structure, that is primarily designed, constructed and/or intended for, or being used to, mount or support one or more radio frequency (RF) electromagnetic radiating or receiving antennas. Such structures include AM, FM and TV transmitting towers; cable TV receiving towers; microwave towers; cellular telephone towers; and towers for paging, emergency services, and other private or public radio systems. Self-supporting and guyed towers, and monopole masts, are included. RF radiating and receiving antennas, and associated components and devices attached to a communication structure shall be considered as part of that structure.

Community-Based Residential Facility: Has the meaning contained in sec. 50.01(1g), Wis. Stats.

Community Living Arrangement: Has the meaning contained in sec. 46.03(22), Wis. Stats.

Conditional Use: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee, or where appropriate, the Board of Adjustment, or County Board.

Condominium: Property subject to condominium declaration including but not limited to land, buildings, or a part of the building or a group of buildings including all the land, jointly owned and operated with the law of the Wisconsin Statutes for the mutual protection and benefit of an association of all the members of ownership. The workings of this agreement are entailed in a condominium declaration.

Constructed wetland: Shallow pools that enhance growing conditions for marsh plants to maximize pollutant removal.

Construction Trailer: A portable structure designed to be used as an office at a construction site for a building, highway, gravel or borrow pit, etc., which is usually equipped with a telephone, desk, chairs and first aid equipment. Such a structure is not designed to be used for and shall not be permitted for use as living or sleeping quarters.

Contractor: Any person who contracts to physically alter structures or land, including but not limited to engaging in building, construction, grading, excavating and erosion control activities.

Conversion Condominium: A parcel of land with existing structure or structures converted to a condominium form of ownership.

County Zoning Agency: That committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.

Crawlway or Crawl Space: An enclosed area below the first usable floor of a building, generally less than five (5) feet in height used for limited access to plumbing and electrical utilities.

CUP: Conditional Use Permit.

Department: Oneida County Planning and Zoning Department.

DNR: The Wisconsin Department of Natural Resources.

Depressed Pervious Area: Commonly constructed to capture runoff from parking areas, it is lower than the surrounding surfaces, contains permeable soils and may have a built-in filtration system and/or a beehive drain.

Developed Shoreline: Those shorelines where both neighboring properties next to the riparian landowner contain a building of 500 square feet or larger, located with 250 feet of a proposed boat shelter.

Development: Any artificial change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

Drainage System: One or more artificial ditches, tile drains or similar devices which collect surface runoff or ground water and convey it to a point of discharge.

Dwelling: A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.

Dwelling, Accessory: An additional dwelling unit on a parcel where a principal dwelling unit already exists.

Dwelling, Multiple Family: A dwelling containing two or more dwelling units, either attached, semi-attached or detached, including those under condominium form of ownership.

Dwelling, Principal: The main structure on a lot consisting of a room or a group of rooms, which are arranged, designed, used or intended for use as the main living quarters for one family.

Dwelling, Seasonal: A single family dwelling used on an intermittent basis for recreational purposes, such as, but not limited to, a hunting cabin. A seasonal dwelling is a dwelling which is not utilized as a principal or year-round dwelling and is not occupied more than 180 days in any 365-day period and does not require public services such as school bus transportation pursuant to Section 121.54 (2)(b) Wis. Stats. or amendments thereto, or snow plowing of roads by a governmental unit. Listing such dwelling as the occupant's legal residence for the purposes of voting, payment of income taxes or motor vehicle registration or for purposes of eligibility for a State of Wisconsin Lottery Tax Credit, or living in such dwelling for more than 180 days in any 365-day period shall be considered evidence that the dwelling is being used as a principal or year-round dwelling.

Dwelling, Single Family: A dwelling containing one dwelling unit either attached, semi-attached or detached.

Dwelling Unit: A room or a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as living quarters for one family.

EAV: Equalized assessed value.

Ecologically Significant Area: An area in which native aquatic plants are present in sufficient abundance and density to support significant spawning, seasonal or life stage habitat for first or other aquatic life and to protect water quality.

Encroachment: To advance beyond proper or prescribed limits.

Equal Degree of Encroachment: Is established by considering the effect of encroachments on the hydraulic efficiency of the "Floodplain" along a significant "reach of the stream". Hydraulic efficiency depends on such fact as the relative orientation of the channel with respect to the "floodway" the natural and manmade characteristics of the floodplain, of vegetation on both sides of the

stream and the resistance of such vegetation to flood flow. In most cases, these factors will not result in equal distance or areas between encroachment lines on both sides of the stream.

Erect: To construct, build, fabricate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Existing Development Pattern: That principal structure exist within 250 feet of a proposed principal structure in both directions along the shoreline.

Existing Pattern: Determined for highway setback purposes by requiring structures on property to conform generally to the setback of the structures on property immediately adjacent to it and on the same side of any street or road upon which the subject property fronts.

Extended Detention Pond: Storm water detention basins designed to temporarily hold storm water for an extended period of time, allowing the physical settling of pollutants.

Expandable Condominium: A condominium to which additional units or property or both may be added.

Expansion to Existing Mobile/Manufactured Home Park: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

Exploration: Has the meaning set forth in Ch. 293, Wis. Stats.

Family: Any number of persons related by blood, adoption or marriage, not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity including community living arrangements with eight or fewer unrelated handicapped residents.

Farm: An area of land devoted to the production of field or truck crops, livestock or livestock products which constitutes the major use of such property.

Federal Emergency Management Agency (FEMA) : The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD)

Fence: An independent structure forming a barrier at grade between lots, between a lot and a street or road, or between portions of a lot or lots.

Fish Hatchery: An establishment for the breeding, propagation and rearing of fish fry.

Fisheries: An establishment for the production, harvesting and sale of fish produced on the premises.

Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating area adjacent to the channel.

Flood Profile: A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood Stage: For purposes of this ordinance, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

Floodplain: The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringes as those terms are defined in Wis. Admin. Code NR116.

Floodplain Island: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management: The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

Floodproofing: Using any of a variety of techniques to lessen flood effects on a structure as are permitted by Wis. Admin. Code NR 116.03 and any amendments thereto.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.

Forest Industries: The cutting and storing of forest products, the operation of portable sawmills and planer, the production of maple syrup and sugar.

Forest Products: Products obtained from stands of forest trees which have been either naturally or artificially established.

Foster Home: Any facility that is operated by a person required to be licensed by sec. 48.62, Wis. Stats., and that provides care and for no more than 4 children unless all of the children are siblings.

Freestanding Sign: A sign supported by posts, poles, or standards and is not attached or connected to any building.

Fur Farm: The breeding, raising and producing in captivity and marketing of fur bearing animals similar to an agricultural enterprise. Wild game trapping consistent with DNR regulations is excluded.

Garage: An accessory structure or portion of a principal structure utilized for the storage of motor vehicles. A garage may not be used as sleeping quarters.

Governmental Uses: Governmental activities or operations associated with the provision of services to the public. Governmental uses do not include correctional facilities, solid waste disposal sites or non-metallic mining.

Group Home: Any facility operated by a person required to be licensed by the department under sec. 48.625, Wis. Stats., for the care and of 5 to 8 children.

Habitable Buildings: Any building or portion thereof used or possible to be used for human habitation.

Hearing Notice: Publication or posting meeting the requirements of **Ch. 985, Wis. Stats.** Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments; published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

Home Occupation: A limited owner or residential tenant occupied business in a residential district that complies with the home occupation provisions of this ordinance. A home occupation includes a professional home office.

Horticulture: The cultivation of an orchard, garden or nursery.

Hotel: A place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

House Trailer: A portable structure which is on wheels, skids, rollers, blocks, jacks, posts, piers, foundations or similar supports which is used or intended to be used primarily for human habitation, whether temporary or permanent, and which falls within one of the following categories:

- a. The structure is 12 feet long or less in width and does not comply with the ANSI National Construction Code for mobile homes.
- b. The structure meets all of the requirements of a manufactured home as defined in this Code except for the size.
- c. The structure meets all of the requirements of a mobile home as defined in this Code except for the size.

Hunting and Fishing Cabins: Buildings used at special seasons of the year as a base for hunting, fishing and outdoor recreation.

Impervious Surfaces: ~~Those surfaces that do not absorb water, including but not limited to, buildings, paved parking areas, paved driveways, roads, sidewalks, and any other concrete, asphalt, or blacktopped areas. Additionally, any other areas determined by the Zoning Administrator to be impervious shall be classified and treated as an impervious surface. An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.~~

Infiltration basins: Large open depressions that store storm water runoff while percolation occurs through bottom and sides.

Infiltration trenches: Shallow, excavated trenches filled with a coarse aggregate material and covered with a pervious soil layer.

Infiltration tube: A corrugated polyethylene tube with perforated dual wall covered by a filter fabric sock and buried vertically in a bed of aggregate.

Junkyard: An open area or fenced enclosure where used or second hand materials (including but not limited to scrap iron or other metal, paper rags, tires or bottles) are bought, sold, exchanged, stored, baled, packed, disassembled, processed, or handled. For purposes of this ordinance, a junkyard includes auto salvage yards, but does not include uses established or maintained entirely within enclosed buildings. Two or more inoperative machines, pieces of equipment or motor vehicles shall constitute a junkyard.

Kennel: A place where 4 or more dogs over the age of 6 months are boarded, bred, or offered for sale.

Keyhole Development: The creation of a lot, outlot or parcel of land, by any type of recorded instrument, that provides access to a navigable water body for ~~more than one~~ or more non-riparian lot, outlot or parcel of land and where the ownership of the riparian and non-riparian lots are not the same. Keyhole development shall also include dredging of a channel for the purpose of navigational access to a water body from one or more lots, outlots or parcels of land. Keyhole development shall not include public boat ramps or marinas permitted under this ordinance.

Land Use: Any non-structural use made of unimproved real estate. (Also see Development)

Landward Expansion: Expansion lying, facing or moving towards land or in the direction of land. Expansion which is situated or facing toward the land.

Legal Pre-existing Structure or Use: The existing lawful use of a structure or premises at the time of the enactment of this ordinance or any amendment thereto and ordinary may be performed thereon, although such use does not conform with the provisions of the ordinance for the district in which it is located, subject to conditions hereinafter stated.

Legal Pre-Existing Signs: Signs lawfully in existence on the effective date of this ordinance, but which do not conform to the requirements herein are declared legal pre-existing.

Licensed Game and Fur Farm: The propagation, production, and sale of birds and animals under a special license of the Wisconsin Conservation Department as covered in **Ch. 29, Wis. Stats.**

Light Industry: Those industries that have very little or no air, water, or noise pollution, such as, assembly plants for bug zappers, assembly plants for computers, assembly plants for coin machines, machine shops, and woodworking shops.

Livestock: Includes, but is not limited to horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, bison and any other hoofed animals.

Lodging House: A building other than a hotel, where lodging is provided for five (5) or more persons not members of a family and not open to transients.

Lot: A distinct portion of plot of land. A continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

Lot area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Lot Line: The boundary of a lot or parcel of land.

Lot of record: any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot Width: The shortest distance between lot lines from any given point.

Maintenance and Repairs: ~~Has the same definition as "ordinary maintenance and repairs" in this ordinance.~~ Maintenance and repairs include such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation and replacement of windows, doors, wiring, siding, roof and other non-structural components; and the repairs of cracks in foundation, sidewalks, walkways and the application of waterproof coatings to foundations.

Manufactured Building: A structure which, when erected on site, is 720 or more square feet in area and which complies with all construction safety, foundation, ventilation and access standards established under **Subchapter III, Manufactured Building Code, section 101.70** Wis. Stats., which is used or intended to be used primarily for human habitation, whether temporary or permanently.

Manufactured Home: A structure, transportable in one or more sections, which the traveling mode is 14 body feet or more in width and 52 body feet or more in length, or when erected on site is 720 or more square feet, and which is built on a permanent chassis, and designed to be used or intended to be used primarily for human habitation whether temporary or permanent, and which is connected to required utilities and which complies with all manufactured home construction and safety standards established under USC 5401-5426, which became effective June 15, 1976.

Manufacturing: The production of goods from raw materials.

Marina: An area on a river or lake devoted to Marine and related recreational business and service.

Master Zoning District Document: The document containing the legal description of each zoning district that is maintained and updated by the Zoning and Planning Department.

Metallic Mining: Has the meaning set forth in Ch. 293, Wis. Stats.

Mitigation: Approved, balanced measures that are designed and implemented to restore natural functions and values that are otherwise lost through development and human activities.

Mobile Home Park, Manufactured Home and House Trailer Park: Any area or premises on which is provided the required space for the accommodation of two (2) or more mobile homes, manufactured homes or house trailers, together with necessary, accessory buildings, driveways, walks or other required adjuncts.

Mobile Home: A structure manufactured or assembled before June 15, 1976, which complies with the ANSI National Construction Code for Mobile Homes, which is designed to be transported to its placement site as a single unit or in sections and equipped and used, or intended to be used, primarily for human habitation, whether temporary or permanent, with walls or rigid uncollapsible construction, which is at least 12 body feet in width and has an overall length in excess of 48 feet. "Mobile Home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Motel: A place that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

Motor Home: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under sec. 281.35, Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sec. 59.692, Wis. Stats., and Wis. Admin. Code NR115 do not apply to lands adjacent to farm drainage ditches if:

- a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river; and such lands were not navigable streams before ditching; and
 - b. ~~Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and,~~
 - c. ~~Such lands are maintained in non-structural agricultural use.~~
- (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

Non-Metallic Mining or Non-Metallic Mining Operation: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, and non-metallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading, or drudging if the purpose of those operations or activities is the extraction of mineral aggregates and non-metallic minerals, and related processes such as crushing, screening, scalping, dewatering, and blending."

Nuisance: A nuisance shall mean any source of filth or cause of sickness, any unreasonable use of property or activity that interferes substantially with the comfortable enjoyment of life, health or safety of another or others. An offensive, annoying, unpleasant or obnoxious thing or practice which may annoy or disturb others' enjoyment of their property.

Official Signs and Notices: Include only official signs and notices, public utility signs, service club and religious notices, and public service signs. Also, signs and notices erected and maintained by public officers or public agencies within their territorial or zoning Jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or non-profit historical societies may be considered official signs.

Off-Premise Sign: A sign which advertises goods, products, facilities or services not available on the premises where the sign is located, or directs persons to a different location from where the sign is located.

OHWM: Ordinary high water mark.

On-Premise Sign: A sign advertising activities conducted on the property on which it is located. This includes a sign which consists solely of the name of an establishment and a sign which identifies the establishment's principle product or services offered on the premises.

Open Fence: A fence constructed in such a manner that it does not unreasonably obstruct vision.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Ordinary Maintenance and Repairs: Ordinary maintenance and repairs include, but are not limited to: replacement of existing windows, skylights, doors, and similar fixtures, when such replacement does not require the alteration of a structural element of the

building such as a header, stud, joist, rafter, truss, or similar structural element; painting and staining of existing siding or replacement of deteriorated siding; replacement of damaged insulation; addition of insulation; repair or replacement of existing shutters, cabinetry, flooring, roof covering consisting of shingles, rolled, metal, fiberglass, tiles, and other similar roofing materials.

Parking Lot: A lot where automobiles are parked or stored temporarily but not including the wrecking of automobiles to other vehicles or storage for the purpose of repairing or wrecking.

Percent Slope (does not involve the placement of a structure): The difference in elevation from (a) the point of land disturbance closest to the OHWM and (b) the point of the land disturbance farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (run) multiplied by 100. (Rise over run x 100)

Percent Slope (for the placement of structures): The difference in elevation from highest elevation to the lowest elevation measured over the footprint of the structure. (a) the lowest point of land disturbance from that point of the structures footprint closest to the OHWM and (b) the highest point of the land disturbance from that point of the structures footprint farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (a and b) of the footprint (run) multiplied by 100. (Rise over run x 100)

Note: For proposed walkout or partially exposed basements/foundations sloping toward the OHWM, (a)= the lowest point of land disturbance closest to the OHWM.

Permanent Structure: A structure which is built of such material and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

Person: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Pier: Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for boats or for loading or unloading cargo or passengers onto or from boats. Such a structure may include a boat shelter which is removed seasonally.

Political Sign: A sign erected for the purpose of soliciting support for or opposition to a candidate or a political party or relating to a referendum question in an election held under the laws of this state.

Porous Pavement: An alternative to conventional pavement, it diverts runoff through a porous asphalt layer into an underground reservoir constructed of crushed stone or gravel. The stored runoff gradually infiltrates into the subsoil and water table.

Poultry: Domestic fowl, such as chickens, turkey, ducks or geese raised for flesh or eggs. Exotic species may include but are not limited to ostrich, emu, etc.

Professional Office: When conducted in a residential district a professional office shall be incidental to the residential occupation and shall be conducted by a member of the resident family entirely within the residential building, and shall include the office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other similar recognized profession.

Prospecting: Has the meaning set forth in Ch. 293, Wis. Stats.

Private Club or Private Camp: Buildings or ground used for regular or periodic meetings or gatherings of a group of persons organized for a non-profit purpose, but not groups organized to render a service customarily carried on as a business.

Private Sewage System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by the special purpose district. Unsewered lots mean those lots sewered by a private sewage system.

Public and Private Parks, Playgrounds, Campgrounds, and Golf Courses: Areas of land with or without buildings designed for recreational uses.

Public Sanitary System: All facilities of a sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. However, it does not include any private sewage systems. Sewered lots mean those lots sewered off a Public Sanitary System.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Utility Line: Underground and overhead transmission lines erected and maintained by a public utility.

Public Utility Sign: Warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

Public Utility Structure: A structure erected and maintained by a public utility.

Quarrying: The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other such process.

Rain gardens: Areas of lower elevation adjacent to roads or parking areas, and can be incorporated into a landscaping plan in developments. Underlayment may consist of permeable materials or may resemble a mini-wetland. Hydric plants and shrubs are used to provide temporary storage of peak flows and infiltration of storm water runoff.

Rain harvesting system: Storm sewer catch basin, varying in diameter from 3 to 6 feet, with a storage chamber below the outlet pipe that will vary from 3 to 6 feet in depth. The sump or storage chamber provides residence time for runoff, allowing the physical settling of sediments.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream of river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

Real Estate Sign: A sign advertising the sale or lease of land upon which it is located or of a building on that land.

Reclamation: The rehabilitation of the project site including, but not limited to establishment of vegetative cover, stabilization of soil conditions, prevention of water pollution and where practicable, restoration of fish, plants and wildlife.

Recreation Camps: Areas of land improved with buildings or tents, and sanitary facilities used for the accommodation of groups for educational or recreational purposes.

Recreational Vehicle: A mobile home when fully expanded contains 400 square feet or less of living space, and which is built on a permanent chassis and designed to be towed on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for temporary human habitation or recreational living quarters, and includes the plumbing, heating, air conditioning and electrical systems contained in the recreational vehicle. A recreational vehicle includes a motor home, park model, truck camper, travel trailer and camping trailer.

Recreational Vehicle Parks: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive and tent camping and camping trailers, motor homes, park models and recreational vehicles.

Regional Flood: The regional flood is a flood determined by the Division of Resource Development which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the one-hundred (100) year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Replacement Construction: The principal building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

Resort: A facility licensed by the State of Wisconsin Division of Family and Health Services where lodging is offered for pay. A resort may include a hotel, motel or tourist rooming house and may also be under the condominium form of ownership. A resort does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

RFW (Riparian Frontage Width): (Re: Section 9.93 (E)(2) of the Oneida County Zoning & Shoreland Protection Ordinance) The minimum riparian frontage width shall be measured the lesser of a straight line connecting points where the side lot lines intersect the OHWM or as the length of chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.

Riding Academy: An establishment having horses for rent or hire.

Right-of-Way: Lands dedicated for public use for road purposes.

Riparian: An owner of land adjacent to navigable waters.

Service Business: Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service business include, but are not limited to offices for physicians, accountants or attorneys.

Service Club and Religious Notices: Signs and notices, whose erection is authorized by law, relating to meetings of non-profit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, ~~water line~~, OHWM or prospective construction line to the nearest vertical wall or other element of a building or structure.

Shoreland Alteration Permit: A permit issued in this ordinance generally required to fill, grade, lagoon, dredge, ditch and excavate shoreland.

Shoreland Setback Area: ~~Also known as the "Shoreland setback area"~~ Means an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under this section 59.692, Stats.

Shoreland-Wetland Zoning District: The zoning district, created as a part of this Shoreland Zoning Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

Shorelands: Lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet, measured horizontally, from a lake, pond or flowage, and 300 feet, measured horizontally, from a river, or whichever distance is greater.

Shoreyard: Those lands within 200 feet of the ordinary high water mark of a navigable lake, pond, flowage or river.

Shrub: A plant native to the area with bushy, woody growth usually branched at or near the base, less than 15 feet in height.

Sidewalk: Means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

Sign: Any outdoor advertising, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, structure, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place from the roadway. Included in this definition as signs are graphic devices such as logos, attention attracting media such as banners, pennants, flags or logo sculpture, statues, inflatable devices, and obtrusive colored fascia or architectural elements.

Silviculture: The planting, thinning and harvesting of trees.

Special Exception (conditional use): A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning development committee or county board.

Special Zoning Permission: Special zoning permission has the meaning given in sec. 59.69(15)(g), Wis. Stats. as may be amended from time to time.

Standard Project Flood: A hypothetical flood, estimated by the Corps of Engineers, representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonably characteristic of the geographical region involved, excluding extremely rare conditions.

Storage Capacity of a Floodplain: The volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

Story: That part of a building between a floor and either the next floor or ceiling above. A basement shall not constitute a story.

Street: A public road or highway right-of-way usually affording primary access to abutting property.

Structural Alteration or Structural Improvement: Any modification or replacement of structural members of the existing exterior walls, roof, foundation, internal partitions or structural members such as headers, studs, joists, rafters or trusses.

Structure (s.59692(1)(e), Stats): A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary location on the ground, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other improvements or any part of such structure. A structure includes any permanent or temporary appurtenance attached thereto, including but not limited to awnings and advertising signs.

Structure, Accessory: A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include but are not limited to detached garages, decks (both detached and attached), sheds, barns, gazebos, patios, swimming pools, walls, fences, playground apparatus, driveways, parking lots and parking facilities, sidewalks, stairways, lifts, recreational courts and private emergency shelters.

Structure, Principal: The main structure on a lot, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

Substandard Lots: A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

Temporary Structure: A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

Tourist Rooming House: All lodging places and dwelling units for eight (8) or less persons, other than hotels and motel with four (4) or less rooms, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourist or transients, or bed and breakfast establishments.

Trapper's Cabin: A building used as a base for operating one or more trap lines.

Tree: A plant native to the area with a woody stem, unbranched at or near the base, reaching a height of at least 15 feet or more and a diameter of over 4 inches at maturity.

Unnecessary Hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing the area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Unrelated Business: A business having a separate identity as recognized in the Internal Revenue Service and which requires a separate filing of income tax papers.

Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a structure or premises and which is located on the same lot as the principal structure or use. Accessory uses include, but are not limited to, storage and gardening.

Use, Principal: A principal use is a use which may be lawfully established in a particular zone or district, provided it conforms with all requirements, regulations and performance standards of this ordinance when the use is the dominant activity on the premises. More than one principal use may be located on a lot.

Variance: An authorization by the board of adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the zoning ordinance.

Vegetated Filter Strips: Consist of close growing vegetation designed to receive overland sheet flow. The vegetation slows runoff and traps particulate pollutants. Effectiveness of these strips is a function of the length and slope of the filter strip, soil permeability, the size of the drainage area, and the type and density of the vegetative cover. Good performance for pollutant removal can be expected from widths of 50 to 75 feet and an additional 4 feet of width for every one percent of slope.

Vegetated Swales/Grassed Channels: Broad shallow channels with a dense stand of vegetation established in them that are designed to promote infiltration and trap pollutants. The combination of low velocities and vegetative cover provides for pollutant settling or treatment by infiltration. This practice can also provide reduced volumes of runoff and peak discharges. Low gradient swales perform better than steeper grades.

Vertical Expansion: Expansion either upward and/or downward within the existing building footprint.

Viewing Area: An area relatively free of vegetation that allows a reasonably unobstructed view of the shore from the principal structure located on the property.

Vision Triangle: The triangular area adjacent to the intersection of any public roadways or private road within which sight lines are maintained for vehicular traffic. The triangle is established by measuring a distance of 10 feet from the intersection of the extended curb or edge of the pavement of the public roadway or private road. A straight line connecting the ends of each measured distance that forms the hypotenuse shall establish the visibility triangle.

Walkway: A developed path consisting of concrete, gravel, brick, wood, paving stones or other similar materials.

Watershed: The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

Waterway: Any body of water declared navigable pursuant to sec. 30.10, Wis. Stats.

Wetlands: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions and which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

Wet detention pond: Consists of a single permanent pool of standing water with a depth between three and five feet. Allows pollutants to settle and usually built with a defined fore bay and outlet structure.

Wet retention pond: A single cell permanent pool of standing water with no outlet.

Wharf: Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for a boat or for loading or unloading cargo or passengers onto or from a boat.

Zoning Administrator: The Oneida County Planning and Zoning Administrator or his or her designee.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #15-2017 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 10 day of January 2018.

Offered and passage moved by: Scott Holewinski, Jack Sorensen, Mike Timmons, Billy Fried and Dave Hintz.

Discussion: Karl Jennrich presented the history of NR115 and discussed current regulations. Desmond discussed Sugar Camp zoning and possibilities of legal issues and liability. Discussion ensued on legalities and options. Public Comment from Bill Liebert and Karl Fate from Crescent.

Motion/Second: VanRaalte/Jensen to amend line 814 to strike "Zoning" and replace with "Development"; amend line 1607 to separate "maybe" and replace with "may be"; amend line 2274 to strike "Zoning" and replace with "Development"; amend line 2952 to strike "knows" and replace with "known"; amend line 2991 to strike "Zoning" and replace with "Development".

Roll Call Vote on Amendment to Resolution # 5-2018/Ordinance Amendment # 15-2017: 18 Aye, 0 Nay, 3 Absent, Timmons, Ives, Cushing

Student Representative: 2 Absent

Amendment to Resolution # 5-2018/Ordinance Amendment # 15-2017: Adopted

Roll Call Vote on Amended Resolution # 5-2018/Ordinance Amendment #15-2017: 12 Aye, Fried, Sorensen, Young, Pence, Paszak, Jensen, Krolczyk, Holewinski, VanRaalte, Oettinger, Kelly, Hintz, 6 Nay, Mott, Winkler, Pederson, Metropulos, Zunker and Freudenberg, 3 Absent, Timmons, Ives, Cushing

Student Representative: 2 Absent

Amended Resolution # 5-2018: Adopted

Recess called at 12:02

Return from Recess 12:13

Freudenberg and Metropulos did not return.

Resolution # 6-2018: Offered by the Supervisors of the Labor Relations Employee Services (LRES) to restructure the Highway Department to create efficiencies and cost savings.

WHEREAS, due to a vacancy at the Highway Department, the Highway Commissioner/Solid Waste Director and the Human Resources Director did work together to develop a more efficient Highway Department and save money for the County; and

WHEREAS, the Public Works Committee did support the new Highway Department structure and recommended to the LRES Committee the approval of such; and

WHEREAS, the LRES Committee did review and does support and recommend the new Highway Department structure.

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that effective January 27, 2018 the Oneida County Highway Department will do the following:

- Eliminate a vacant full time Assistant Patrol Superintendent position
- Eliminate one health insurance plan
- Promote two current Equipment Operators or Equipment Operator/Mechanics to two newly updated working Foreperson Positions
- Move Highway Commissioner position from Grade Level Q to Grade Level Q1, Step 5
- ~~More Move~~ State Patrol Superintendent Position from Grade Level L to Grade Level L1, Step 12
- Move Shop Superintendent Position from Grade Level K to Grade Level L1, Step 5
- Create Foreperson positions at Grade Level J1, exempt hourly with over time at 1 ½, add call pay
- Create Second Shift premium pay
- Reduce Lead person pay

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that by making the afore mentioned changes the Oneida County Highway Department will accomplish the following:

- Reduce the size of the Highway Crew by one full time employee
- Increase efficiency by having a working Foreperson on each work crew
- Maximize revenue and reimbursements on Foreperson being hourly

- Eliminate compression issue between Shop Superintendent and Mechanics
- Establish better system for on-call for management staff
- Establish equity for management positions supervising 2080 hours per year staff
- Save the County money

THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that due to the timing of this resolution being in the midst of the winter snow season, the Highway Department shall fill all vacant Equipment Operator and Equipment Operator/Mechanic positions immediately and if the County is unable to promote an Equipment Operator or Equipment Operator/Mechanic to the Foreperson positions, the Highway Department shall hire from outside of the County to fill the Foreperson positions and eliminate an Equipment Operator or Equipment Operator/Mechanic positions when they become vacant to get to a twenty member crew.

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that an amendment has been made to the County budget for fiscal year 2018 as set forth in the fiscal impact statement which is attached hereto and made a part hereof.

Approved by the LRES Committee this 10th day of January, 2018.

Approved by the Public Works Committee this 10th day of January 2018.

Offered and passage moved by: Ted Cushing, Carol Pederson, Sonny Paszak, Billy Fried, Dave Hintz, Robb Jensen, Mike Timmons and Scott Holewinski.

Discussion: Charbarneau presented the restructuring of the Highway Department and the compression issue was discussed. Holewinski discussed the routine maintenance agreement.

Motion/Second: VanRaalte/Jensen to amend line 28 to strike the word "more" and replace with "move" and on line 30 strike "positon" and replace with the correct spelling of "position".

Roll Call Vote on Amendment to Resolution # 6-2018: 16 Aye, 0 Nay, 5 Absent, Ives, Cushing, Freudenberg, Timmons, Metropulos

Student Representative: 2 Absent

Amendment to Resolution # 6-2018: Adopted

Roll Call Vote on Amended Resolution # 6-2018: 16 Aye, 0 Nay, 5 Absent, Ives, Cushing, Freudenberg, Timmons, Metropulos

Student Representative: 2 Absent

Amended Resolution # 6-2018: Adopted

Resolution # 7-2018: Offered by the Supervisors of the Conservation & UW Extension Committee authorizing the Land and Water Conservation Department to apply for a two-year grant to the WDNR not to exceed \$100,000 for a Shoreland protection position.

WHEREAS, Oneida County has over 1100 lakes, rivers, and streams, and contains one of the highest concentrations of natural lakes in the world, and

WHEREAS, Oneida County is 82 percent forest and 2.3 percent agricultural land, and

WHEREAS, Oneida County recognizes the importance of the quality of our forests and waters to its citizens and local economies, and

WHEREAS, education is one of the keys to increasing public awareness as to the adverse impacts of erosion, nutrient loading, and run-off on the quality of our waters and our local economies; and

WHEREAS, Oneida County recognizes the need for a workable plan that will prevent erosion, increase nutrient management, reduce run-off, and increase shoreland protection, and

WHEREAS, the Oneida County Land & Water Conservation Department (LWCD) will implement additional objectives and activities in the Land and Water Resource Management Plan by creating and hiring a 'Shoreland Protection' LTE;

WHEREAS, 75% percent of the cost of accomplishing additional goals and activities in the Land and Water Resource Management Plan will be paid by a grant from the Wisconsin Department of Natural Resources (WDNR), and

WHEREAS, the LWCD must apply for a grant through the "Lake Protection" grant program through the WDNR to receive funding.

NOW, THEREFORE, BE IT RESOLVED, that the LWCD is authorized to apply for 75% funding assistance for such programming under the "Lake Protection" grant program from the WDNR.

BE IT FURTHER RESOLVED, that the Oneida County Board of Supervisors hereby authorizes the Chairman of the Conservation and UW Extension Committee, to submit an application for a two-year grant to the WDNR not to exceed \$100,000.00 in grant funds for a Shoreland Protection position, to sign documents and take the necessary action to undertake, direct, and complete the approved lake protection grant, and submit reimbursement claims along with necessary supporting documentation within six months of project date completion.

BE IT FURTHER RESOLVED, that the LWCD is authorized to meet the County's 25% share of the financial obligations of this lake protection grant, through the assignment of LWCD personnel to work on and complete the project, including timely publication of the results.

BE IT FURTHER RESOLVED, that if funding is not secured from the WDNR, the LTE position will not exist.

Approved by the Conservation and UW Extension Committee this 11th day of December 2017.

Offered and passage moved by: Bob Mott, Alan VanRaalte, James Winkler and Robb Jensen.

Motion/Second: Jensen/Mott to amend the Resolution to include the fiscal impact that was approved by committee.

Roll Call Vote on Amendment to Resolution # 7-2018: 16 Aye, 0 Nay, 5 Absent, Cushing, Ives, Freudenberg, Timmons, Metropulos.

Student Representative: 2 Absent

Amendment to Resolution # 7-2018: Adopted

Discussion: Jennrich went over grant and discussion ensued regarding fiscal impact of LTE's.

Roll Call Vote on Amended Resolution # 7-2018: 16 Aye, 0 Nay, 5 Absent, Cushing, Ives, Freudenberg, Timmons, Metropulos.

Student Representative: 2 Absent

Resolution # 5-2018: Adopted

Resolution # 8-2018: Offered by Supervisor Scott Holewinski adopting a new fee schedule for the Planning and Zoning Department effective April 1, 2018.

Seconded by VanRaalte

WHEREAS, the Planning & Development Department has the responsibility to review all permit applications, preliminary survey maps and condominium documents pursuant to the Chapter 9 - Oneida County Zoning and Shorelands Protection Ordinance, Chapter 13 - Private Sewage System Ordinance, Chapter 20 – Floodplain Zoning and Chapter 15 - Subdivision Control Ordinance; and

WHEREAS, the Planning and Development Committee desires the Planning and Zoning Department to be financially self-supporting as much as possible; and

WHEREAS, there has not been a comprehensive review of the fee schedule since 2002, with an effective date of January 1, 2003; and

WHEREAS, the Planning and Development Committee and Administration Committee approved a new position in the Planning and Zoning Department beginning January 2018 with the understanding that revenues would be increased to offset the expenses of the new position; and

WHEREAS, on December 6, 2017 the Planning and Development Committee voted unanimously to increase the fees as listed on the attached fee schedule.

NOW THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors adopts the attached fee schedule with the effective date of April 1, 2018.

Offered and passage moved by: Scott Holewinski.

Motion/Second: Holewinski/Fried to refer Resolution # 8-2018 back to the Planning and Zoning committee.

Discussion: Per Holewinski fees need to be discussed in greater depth.

Roll Call Vote on Motion: 16 Aye, 0 Nay, 5 Absent, Cushing, Ives, Freudenberg, Timmons, Metropulos.

Student Representative: 2 Absent

Motion passes

Resolution # 9-2018: Offered by Supervisor Dave Hintz supporting the Oneida County Economic Development Broadband Committee's application for a grant from the Wisconsin Public Service Commission's Rural Broadband Expansion Grant Program as well as consideration of an appropriation of matching funds.

Seconded by Mott.

WHEREAS, the Oneida County Economic Development Broadband Committee is working to assure all areas of Oneida County are served with broadband service; and

WHEREAS, broadband access is necessary for students to research homework and develop projects; and

WHEREAS, businesses of all types in Oneida County rely on broadband to promote and develop their businesses; and

WHEREAS, rural areas are relying more on online medical services for diagnosis and remote transfer of medical information to medical personnel and facilities; and

WHEREAS, studies have shown that nonresident visitors and property owners would spend more time in Oneida County with reliable broadband access allowing them to work remotely; and
WHEREAS, Oneida County Economic Development Corporation seeks thirty thousand dollars (\$30,000.00) from the general fund in order to increase broadband in Oneida County.
NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors supports broadband in Oneida County and shall provide the Oneida County Economic Development Corporation thirty thousand dollars (\$30,000.00) for broadband related projects; and
BE IT FURTHER RESOLVED, that the funds shall come from the General Fund.

Approved by the Administration Committee this 11th day of December, 2017.

Offered and passage moved by: Dave Hintz.

Discussion: Hintz discussed the grant that Oneida County would be applying for. There is no commitment at this point, this is the application process only. Roger Luce went over the projects that the grant money would be applied to.

Roll Call Vote on Resolution # 9-2018: 16 Aye, 0 Nay, 5 Absent, Cushing, Ives, Freudenberg, Timmons, Metropulos.

Student Representative: 2 Absent

Resolution # 5-2018: Adopted

NEXT MEETING DATE AND TIME: February 20, 2018 @ 9:30 a.m.

(unless a motion is made to change the starting time).

ADJOURNMENT:

Motion was made to adjourn at 12:53 a.m. By VanRaalte and seconded by Pederson. All Aye, motion carried.

Meeting adjourned at 12:53 a.m.